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SOVEREIGN STATE OR SOVEREIGN GROUP?

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The late Professor William A. Dunning is reported to have said of the recent political theories which attempt to replace the conception of state sovereignty by some pluralistic grouping of social forces, that they were "radically unintelligible." It is hard for political theorists who have been accustomed to regard the conception of sovereignty as a foundation stone and a sort of "rock of ages" for their faith to be told (as one is every day, more or less) that the anti-intellectualistic type of a sociological basis is the only valid one for juristic structure. For that, according to the old rationalistic conceptions of analytical jurisprudence, is indeed to base sovereignty upon shifting sands and to deprive law of any special significance of its own by equating it with social reactions of the most indeterminate character. But the anti-intellectualistic trend of modern political theory indignantly denies this charge. The assumption, it counters, that any legal center of reference can be final in its authority or in its right to command is an outworn Hegelianism, discredited by practice and theory alike. Law is too much a thing of fictions to be taken seriously in its claims, when it pretends to be giving an accurate description of facts in the abstract terms of a pretended right on the part of the state to be the sole author of enforceable commands and the only rightful claimant of men's

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ultimate loyalty. Sovereignty is no more than an antiquated relic of that barbarous and monistic rationalism that could see in the state "*der Gang Gottes in der Welt.*" The fact is, they say, that in the actual conflict of loyalties the state is not a "*communitas communitatum*" but among other groups merely *primus inter pares.*[1]

One may admit that the absoluteness of legal supremacy, internally and externally,[2] which formed the essence of the Austinian conception of sovereignty, is a conception that hardly accords with the facts of political life, either in intra- or international relations. And yet one may be entirely unwilling to jettison the whole notion of sovereignty as the pluralists suggest we should. If it turns out to be to some extent a fiction, that is, the hypostatization of an ideal for the sake of systematic coherence in law, it may yet be a necessary fiction to any society that wishes to take or keep organic form under law. Upon its existence as a fact accepted by what Austin called "the bulk of the people" depends constitutional government. But obedience is not capable of the rationalistic synthesis offered by the theory of sovereignty, say its critics. Like the universe itself, the state is ultimately a pluralistic arrangement of grouped forces, among which government, at its most absolute, can arrange but a temporary and tolerable resolution. This is a contention often enough reiterated, and with enough truth in it, to demand searching consideration from political theorists.

Why is it that anti-intellectualism in politics should fasten on the doctrine of state sovereignty as the point of its attack? It

[1] See the excellent essay contributed by F. W. Coker to the memorial volume contributed by the students of Professor W. A. Dunning, to complete his *History of Political Theories* by adding a fourth volume on *Recent Times:* "Pluralistic Theories and the Attack Upon State Sovereignty," for an extensive bibliography and a very considered critical appraisal of the whole pluralistic movement. (pp. 80–119, *op. cit.*). For a rather different phase of pluralism than those there considered, see the writer's "The Political Application of Romanticism," a critique of the syndicalistic philosophy of M. Georges Sorel, in 39 *Political Science Quarterly*, No. 2, June, 1924, pp. 234–264.

[2] E. M. Borchard has done the same good service (that Mr. Coker did for political pluralism) for "Political Theory and International Law" (pp. 120–140, *op. cit.*).

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is, on this reading of its theory at least, simply because the suspicion of all that is rationalistic, all that is the fruit of conceptual abstraction, attaches with peculiar force to the idea of unitary sovereignty. That conception in politics has gone hand in hand with rationalism in philosophy. Sovereignty for political theory has served the same purpose that the concept has for traditional logic and for epistemology. To anti-intellectualism, the method in the one is as vicious as in the other. "Reality" the "strung-along, flowing reality," of which James wrote, is not so constituted, either in thinking it truly or thinking it politically. It cannot be crammed into concepts. "Everything you can think of," said James, "however vast or inclusive, has on the pluralistic view, a genuinely 'external' environment of some sort or amount. Things are 'with' one another in many ways, but nothing includes everything or dominates everything. The word 'and' trails along after every sentence, something always escapes. The pluralistic world thus is more like a federal republic than an empire or a kingdom. However much may be collected, however much may report itself present at any effective center of consciousness, something else is self-governed and absent and unreduced to unity."[3] To pluralists, as to Hegelians and absolutists in general, the state remains a sort of mikrokosmos of the makrokosmos that is the universe; the difference is now that the universe and the state become pluralistic instead of monistic; the universe becomes a multiverse, and unitary sovereignty, "polyarchy."

For convenience sake, one may call this critique of the state, characterized as it is by an anti-intellectualistic and a pluralistic bias, essentially pragmatic, on the assumption that pragmatism as a philosophy most nearly sums up this attitude.

The analogy of the importance of sovereignty in political theory to the place of the concept in logical theory suggests at once the reason that it has become the point on which the most varying types of the pragmatic revolt converge in attack and, at the same time, something of the general strategy under which that attack must be conducted. At a period in world history when all the possible changes are being rung on the forms of

[3] William James, *Pluralistic Universe*, pp. 321–322.

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government under which political societies can come, it is natural that the stereotyped conceptions of representative democracy should undergo critical examination, examination at the hands of friends as well as by those who have no prepossessions in favor of democracy as an ideal. The notion of sovereignty has accommodated itself to the growth of democratic institutions by developing into the idea of popular sovereignty of the general will, expressed through representative agencies of government. Are we now to speak simply of the divine right of the people, instead of the king? And can parliament or government be substituted as the equivalent for people?[4]

If sovereignty be restricted to its formalistic aspects, to its purely Austinian outlines so to speak, our pragmatists will claim that it is as empty of meaning in real politics as the concept is in real thinking. In each case the important element of psychology is left out. Pragmatists will have none of the conceptualistic logic of rationalism or the manipulation of the abstractions which are called concepts. Pragmatists in politics say that the juristic logic which is built up about the concept of sovereignty is equally empty of real use or meaning. The psychology of politics means that here, as in everything else *real* obedience is a matter of degree, and *real* sovereignty is a complex of accommodation between conflicting groups.

Now, the error of pragmatism may lie in its refusal to notice that the world of logical concepts, including the juristic notion of sovereignty, is a world so necessary as to be practically indispensable. Granted that to talk of *absolute* sovereignty in human affairs is to talk nonsense, it does not follow that we can dispense with the notion of sovereignty as the basis of law. The validity of psychology is unquestionable, for psychology includes all that gives individuality to any particular thought or act. Still to talk of sovereignty, for example, in general terms is as necessary as to talk of thinking itself, in terms of thought in

[4] The hopeless confusion into which Rousseau fell in these questions, he attempted to escape by the device of an ideal legislator. Apologists of the General Will theory as the basis of law have usually followed his steps, more cautiously, but to the same end.

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general, as formal logic does. On the other hand, the purely legalistic notion of sovereignty must be supplemented by the effort to see what is really meant by the "general will," to use the phraseology that is commonly dated from Rousseau; and only an adequate psychology can keep that conception from being turned by a logical *tour de force*, as Rousseau turned it, into a bit of empty sophistry. Pragmatism, which may be called the new nominalism, will not accept a word for an essence that does not exist—and in this respect its criticism has been of the utmost value to political theory.

Political pluralism first attempts to show the uselessness and the inadequacy of the formal conception of the sovereign state that serves as the basis for most of the jurisprudential systems arrived at analytically: its method is to show that that conception does not touch the changing political reality underneath. In the second place, it rejects the whole psychology of the general will, used ordinarily to justify on moral grounds the exercise of unitary sovereignty; it holds this psychology to be vitiated by the same rationalistic method of arriving at a conceptual synthesis that is displayed by absolutistic systems in general. In politics, its attack derives especial strength from the discredit lately attached to absolutism as the peculiar contribution of Germany.

Some pragmatists push this advantage so far as to declare that the solution is to be found only in the pluralistic state, in which sovereignty is to be shared by many groups, instead of being monopolized by the state alone. In the hands of exponents like Mr. Laski, pluralism is the transformation of sovereign state to sovereign group. A general agreement to this effect may be found among thinkers so widely separated in methods and aims as M. Georges Sorel, the syndicalist priest of the myth-cult of violent revolution through the general strike, and the eminent French jurist, M. Leon Duguit, whose whole effort is to establish the "rule of law" based upon the assurance of the public services and social solidarity. Their common theme is the passing of the state as the author of commands, and the rise of the group as the new political unit of autonomy. It is this theme that gives a further unity to the political theory of anti-intellectualistic pluralism.

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Perhaps the most authoritative summary of this whole movement has been given by Ernest Barker at the conclusion of his brilliant little volume in the Home University Library Series on *English Political Thought from Spencer to To-day*. After having traced the sources of modern anti-intellectualism in politics as far back as their nineteenth century origins, he sums them up in a passage worthy of quotation even at some length:[5]

"Among the new sources of thought we have to reckon social psychology, the new economics, and the new aspect of legal theory which has been emphasized by Maitland. Social psychology tends to issue in a criticism of the machinery and methods of representative government. Intentionally or unintentionally, it allies itself with a certain trend of anti-intellectualism which is one of the features of the age. In reaction against what they regard as the false intellectualism of the utilitarians, and the equally false if very different intellectualism of the idealists, many of the thinkers of to-day are returning to the cult of instinct, or at best of sub-conscious thought. They find unexpected allies. The new economics, in some of its phases, is also intuitional and anti-intellectual. If social psychology tends to base the State as it is on other than intellectual grounds, syndicalism is prone to expect that nonintellectual forces will suffice to achieve the State as it should be. Both may find themselves in the issue, however paradoxical the prophecy may seem, the allies of Conservatism. Conservatism, with its appeal to sentiment, and its antipathy to doctrinaire Radicalism, is the residuary legatee of all anti-intellectual movements."

That this is a prophecy which is borne out by the historical development of sovietism into the most repressive communist dictatorship is now too commonplace an observation to be characterized as paradoxical, or to excite comment. But the same development in the theory of group autonomy that is lumped together under the miscellaneous heading of Syndicalism, or "The Greater Trade-Unionism," as Mr. Cole calls it, is perhaps less often remarked, though no less worthy of comment. Mr. Barker himself noted the direction of the anti-intellectualistic

[5] *Op. cit.*, p. 248.

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drift toward the pluralistic Syndicalism of group rights. "If we are individualists now'" he had said in his discussion of federalism, "we are corporate individualists." Our "individuals" are becoming groups. "No longer do we write *The Man versus the State*, but we write *The Group versus the State*. There is much talk of federalism in these days. Behind the talk lies a feeling that the single unitary state, with its single sovereignty is a dubious conception, which is hardly true to the facts of life. Every state, we feel, is something of a federal society, and contains within its borders different national groups, different churches, different economic organizations, each exercising its measure of control over its members."

The most imposing manifestation of this federalistic feeling is, he thinks, the development of the newest socialism toward guild socialism. "In this new Socialism the claim of the Trade Unions to be free groups, freely developing their life in pursuit of their own purposes—the claim urged during the reaction against the Taff Vale judgment, and largely recognized by parliamentary legislation since 1906—finds its apogee. The same movement which appears in the new Socialism economically appears politically in the new Liberalism. The core of that Liberalism would appear to be a new federalism, not directed, as federalism used to be, toward the integration of several small States into a larger whole, but rather toward the disintegration of the great State into small national groups on which large powers are to be conferred by way of devolution. Such at any rate is the lesson which the policy of Liberalism in Ireland, in Wales, and to some extent in Scotland, would seem to suggest."[6] Had Mr. Barker written in 1924 instead of just before the war, he might have drawn additional confirmation from the existence of an Irish Free State, from an India started along the road to responsible self-government and Dominion status, perhaps complete *Swaraj*, and from the actual assumption by the Dominions, under the Peace Treaty and the League of Nations covenant, of the legal status of equal states, coöperating toward the accomplishment of a common end that men still call the British Empire.

[6] *Op. cit.*, pp. 181–182.

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Even at the time Mr. Barker wrote, however, there were tendencies visible, which he was among the first to remark, of revolt against the formalistic conception of the state as power. "At present, however, the current which acts against 'intellectualism' sets also against the State. A certain tendency to discredit the State is now abroad. The forces which combine to spread this tendency are very various. There is the old doctrine of natural rights, which lies behind most of the contemporary movements that advocate resistance to the authority of the State. But there is also the new doctrine of the rights of groups, which is today a still more potent cause of opposition to the State. In the sphere of economics this doctrine assumes the form of Guild-Socialism. In the sphere of legal theory it assumes the form of insistence on the real personality, the spontaneous origin, and (with some of its exponents) the 'inherent rights' of permanent associations. In this latter form the doctrine has been urged, on the one hand, by the advocates of the rights of trade unions and, on the other hand, by the champions of the rights of churches and ecclesiastical bodies. In both forms it has tended to produce a federalistic theory of the State, whether the State is regarded as a union of guilds, or as a "community of Communities" which embraces groups not only economic but also ecclesiastical and national." "The State in England is passing Home Rule Acts, and Welsh Disestablishment Acts to meet the claims of the national groups. All Europe is convulsed with a struggle of which one object at any rate is a re-grouping of men in ways which will fulfil national ideals and accord with national aspirations. Trade unions have recovered from Parliament more than the ground they have lost in the law of courts."[7]

The upshot of all this ferment of new grouping, politically speaking at least, is interpreted by Mr. Barker as a federalism of fact which is gradually being clothed in legal form. He is himself neither an anti-intellectualist nor a pluralist in these matters. He insists that "we must be quite clear what we mean by our groups; and we must not content ourselves with a hazy intuition that they are somehow real personalities or have some-

[7] *Op. cit.*, pp. 249–251.

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how inherent rights;" and he has laid it down quite finally that the state cannot abdicate the rule of law where its purpose is challenged by a group of any sort whatever. "Whatever rights such groups (guilds, national groups, and churches) may claim or gain, the State will still remain a necessary adjusting force; and it is even possible that if the groups are destined to gain ground, the State will also gain, perhaps even more than it loses, because it will be forced to deal with ever graver and ever weightier problems of adjustment."[8]

But the leading exponent of that guild socialism in which Mr. Barker has seen the most evident sign of the working of federalism, Mr. G. D. H. Cole, challenges the sovereignty of a state which he treats as no more than the actual government. Not, indeed, that he denies the necessity of retaining a final power of adjustment which turns out in the end to be very much what Mr. Barker means by the state; but that he challenges the whole idea of representative parliaments as the organ of the state will. Parliamentary institutions based on the intellectualistic assumption that the community will can be determined by selecting a group of persons to represent the wills of all, (representing them for all sorts of questions merely by majority rule within the miscellaneous group that is the House of Commons, for example) do not seem to Mr. Cole "to be democracy at all," though it was so understood by the Victorians. "The challenge to existing institutions which is implicit in this book goes considerably deeper," he says in *The Future of Local Government*, "than any mere criticism of the unwieldiness, because of its size and the magnitude of its duties, of the present State organization. There is implicit, not only the desire for decentralization, but also a challenge to the theory of representative 'democracy,' worked through parliamentary institutions, which gained almost universal acceptance during the last century."[9]

[8] *Op. cit.*, p. 250, and p. 183.

[9] *The Future of Local Government*, p. 177. For similar criticisms see S. and B. Webb, *Constitution for the Socialist Commonwealth of Great Britain;* H. Belloc and G. Chesterton, *The Party System;* and H. Delbrück, *Government and the Will of the People.*

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Mr. Cole's remedy, which he has set forth in a number of books, is "the substitution for the universalized representative system which has prevailed during the past century of a system of *functional representation*. . . . The essence of my contention is that, in order to get a healthy Society well administered and responding effectively to the will of its members, it is necessary to do at least two things. In the first place it is necessary to organize Society throughout, on functional lines and to make the form of organization designed for the fulfilment of each social purpose, appropriate to that purpose; and in the second place it is necessary, within the organization set up for each of these purposes, to adopt the basis of representative democracy, which only under these conditions, that is when it is combined with the idea of function, becomes a real instrument of effective popular control. In other words, what is wanted is a merging of the ideas of mediaeval functionalism with those of Victorian 'democracy.' Out of this union will spring the real *functional democracy* of the future."[10]

The "commune," however, which Mr. Cole promptly reintroduces in place of the state, seems hardly better than an alias for the sovereign parliament he has just ushered out. It is a body "in every area, local, regional, national . . . . in which all these various groups of elected persons will be brought together for the common determination and discussion of vital questions of policy in which they are all concerned."[11] The present parliament of England is not constituted in just the way that Mr. Cole would have his national "commune" chosen; but it occupies exactly the place that the highest of the hierarchy of communes does in his theory of the "new state." If he prefers to change the name to "commune," no one will quarrel with him except those captious persons who insist that the word *commune* has already acquired a determinate usage in a different sense, and those who do not see the good of offering the same thing by another name. They might insist that Mr.

[10] *Op. cit.*, pp. 178–179.

[11] *Op. cit.*, p. 181. See also *Guild Socialism Restated*, chapters on the "Commune."

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Maciver's *Community* cannot be so translated into politics.[12] Parliament, as the sovereign policy-forming organ of the British Empire, has undergone many changes in the method of selecting its membership, without changing its name or its function. Unless Mr. Cole proposes to reject the finality of its decisions, as a high court as well as the sovereign legislature, there is little use to call it a commune. It will differ from the other representative bodies, (or communes) that are local and regional, in the finality of its decisions, the supremacy of its laws. And even under the dyarchy of producers' and consumers' parliaments of his earlier guild-socialist theory, Mr. Cole was sufficiently bound by the logic of things to institute a court of last resort, made up of an equal number from each body, to solve disputes between the two.

His real point in his latest writings does not seem to be that there is any possibility of ultimate pluralism in political authority, although he still speaks of deconcentration and of decentralization as if he meant some such irreducible federalism. What he is aiming at is rather in line with Mr. Dewey's idea of the vicious quality of abstractions: he insists that representational bodies, whether they be called parliaments or communes, must not be selected on the basis of representing "interests or purposes in general," but for a particular "piece of work or group of duties."

Now it is true that there are many disadvantages in the practice of electing men to "represent" whole communities on every conceivable question. The growth in the complexity of the problems with which the modern legislator is confronted renders it impossible that he should accurately register "the will of his constituents," even if there were such a thing. Troubled political scientists propose the short ballot, and more power to the executive. Rousseau's general will and Rousseau's ideal legislator exist alike in the realm of pure idea; but for that matter it is only in that realm that Plato's Philosopher was King. The

[12] Mr. Maciver's notion of *Community* is full of the most fertile suggestions; but to translate every possible community of interest, every "area of common life" (as Mr. Cole would do) into political structure is to put an intolerable burden on citizens.

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modern legislature of any state you choose, harried by the necessity of placating every conceivable type of interest-bloc, bargaining for such combinations of votes as will enable the majority to keep "rule without power," is a sorry spectacle enough. Those who are patient hope for better things, or trust the veto power of the executive or of the courts. The impatient, of every persuasion, have been won over to "direct action," though they may not all be classed as communists or fascists. "Parliamentarism" is assailed on every side.[13] Labor forces resort to the use of economic power quite as often as the "capitalists" whom they accuse of exploiting the community by more devious methods; under modern conditions of social interdependence the strike in the public services is a forthright bludgeon, whether it be used for offense or defence. Mr. Cole's solution for this pass of affairs is to render the legislator a special instrument, to avoid the blunt edge of party control by specializing the functions for which the representative must represent, that is, to "functionalize" representation. He thinks this will provide a constitutional basis for a more flexible and more acceptable legal sovereignty.

That is an excellent suggestion, no doubt, so far as administrative decentralization is in question. And under modern conditions, administrative bodies carry an increasing burden of quasi-legislative and quasi-judicial functions, as we have called them in order to preserve the fiction of the separation of powers. As a matter of fact, they form policies and decide issues, as well as administer; and some of their decisions, for example, those of the Inter-State Commerce Commission of the United States, are of the most far-reaching importance.[14] But in the end, it

[13] F. W. Coker, *loc. cit. supra*, (note 1) also gives a comprehensive bibliography for this attack on parliamentarism. The works of Mr. H. J. Laski furnish some interesting studies and very valuable bibliographical notes. See also the writer's "The Pragmatic Politics of Mr. H. J. Laski," in 18 *American Political Science Review*, No. 2, May, 1924, pp. 251–275. Bertrand Russel's *Proposed Roads to Freedom* remains the classic criticism of the more extreme views of this nature. See also P. H. Douglas' chapter on "Proletarian Political Theory" in *A History of Political Theories, Recent Times*.

[14] See "The Expansion of American Administrative Law," by A. A. Berle, Jr., 30 *Harvard Law Review* (1916–1917, pp. 430, ff.) which gives a typical state-

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seems impossible to escape the maintenance of a central policy-forming organ, a central court of last appeal, a central executive to enforce responsibility, whether they be united in the way these three branches are in the English parliament and ministry, or more dubiously united under the terms of a rigid constitution, as they are in the United States. As long as governments are faced with general problems of policy, some men must be vested with general responsibility to the political community as a whole to face those problems and settle them. Representative government, as Henry Jones Ford has so adequately shown, can hardly escape the terms of a general mandate of power, limited only by the law and custom of the constitution. The particular "piece of work or group of duties" which the responsible ministers of parliament must face is apt to be general enough to try the wisdom even of the Philosopher King, and it is so by the very necessities of organized government, within the nation as well as in foreign affairs.

And what particular interest or purpose is it which is capable of guiding our selection of the men who are to be so empowered? The instrumentalist philosophy of government, looking in the direction of their functions, has said: "They must be specialists, chosen by special community groups of interests." Well and good, so far as specializing is compatible with the necessary simplicity of democratic control. But someone, somebody, must also be responsible for the coördination of services, and the fitting together of policies into a "government," as the parliamentary term goes, or into an "administration" as we say in the United States. With the president going one way, and Congress balking, or actually going in another, the difficulties that lie in the way of getting a responsible "administration" are the chief concerns of our contemporary politics in the United States. Politicians and party-leaders, then, may well stand aghast before

ment of the extent to which administrative commissions use all three types of power in fact, and the limits set upon them by the jurisprudence of the Supreme Court of the United States. Cf. Ernest Barker's article on English administrative law, "The Rule of Law," 1 *Political Quarterly*, No. 2, May, 1914, and Léon Duguit, *Traité de droit constitutionnel*, for French *droit administratif*.

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the flat claim that, because it is impossible to represent interests in general, or purposes in general, there must be the selection of representatives by specific interests (professional, occupational, and so forth) and for specific purposes (functional representation). "All very well," they would probably rejoin, "but someone must run the country as a whole, and join foreign to domestic policy in such a way that the two things fit together."[15]

The case for proportional against occupational representation has been excellently put by Mr. Paul H. Douglas in the September 1923 *Journal of Sociology*. He has well established the disadvantages connected with purely occupational representation. As for proportional representation, it would certainly have the advantage of giving political status and legal character to a number of groups that now make raids on the legislatures, through lobbies or through the balance of power they hold between the two parties. That is, proportional representation would accomplish this end, if they chose to use it. But most of the associations who form blocs without responsible majority control, or without actually electing candidates on their own tickets, seem content to use the weapons presently at hand. The farmers prefer the farm-bloc to a farmer's party, apparently. Labor, so far as it is controlled by the American Federation of Labor, had declared for a like policy until Mr. La Follette's candidacy and the political success of the British Labor Party seduced the A. F. L. The convention at El Paso on November 24, voted a return to its old policy. Neither the "veterans" nor the prohibition forces could use their potential strength if they diverted it to electing congressional candidates by proportional representation. And there are other practical objections

[15] This is the difficulty to be found with the proposal recently made by the Webbs in their *Constitution for the Socialistic Commonwealth of Great Britain* to cure the present hypertrophy of Parliament by dividing it into two halves, so to speak: a Social and a Political Parliament. The scheme is seductive enough until one reflects that it destroys the one virtue Parliament has retained, unified responsibility and simplicity in its enforcement. The German experiment of a subordinate and advisory Industrial Parliament seems more hopeful. See H. Finer, *Representative Government and a Parliament of Industry*. See also his "Case against Proportional Representation," *Fabian Tract* No. 211.

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from the point of view of the country at large to an unqualified system of proportional representation in a nation so vast as the United States, federal in its form of government, and already harassed to its full share by the difficulty of getting any stability in the control of all the organs of government at one time by a party strong enough to put through its program. The experience of Italy, before *Fascismo* cut the Gordian knot into which proportional representation had tied its government, may be an extreme case, but it is one in point.[16]

In any case, proportional representation and even occupational representation do not really signify political pluralism. They still treat the state as sovereign, and try to fit legal to political sovereignty as justly as may be. The only thoroughgoing pluralism is that of syndicalistic theory: it amounts to a feudal anarchy among contending occupational groups, and rejects the state entirely. The experiments so far undertaken with that theory lead one to hope for little more than reënthroned despotism, as was the case in Russia, or for failure to make more than a gesture of futility, as was the case when the workers in Turin and other Italian cities seized the factories in 1920.[17] The more chastened pluralism of modern political theory is merely interested, as Mr. Dewey and Mr. Cole are, in pointing to the inadequacy of sovereign parliaments to the needs of modern society, and in suggesting the spreading out of authority among newly recognized legal groupings,—in short, turning unions into units of political authority.

This criticism of "representation in general" is not an isolated cry nor an unheeded one. Even Lord Bryce in *Modern Democracies* fell to musing on the pathology of modern legislatures; and as profound a conservative as Dicey went so far as to find

[16] The impotence of a parliamentarism in Italy was due in no small part to the *bloc* system of majority-forming that seems to be necessary where there are more than two strong parties, and no party has a clear majority.

[17] Odon Por, himself a Guild Socialist, in *Fascism* (translated by Mrs. Emily Townshend), has given an unbiased picture of this failure of syndicalism in its revolutionary phase in Italy. See especially pp. 41–55. See also E. A. Mowrer, *Immortal Italy*, (1922)—"The Revolution that Never Was."

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hope in the referendum, though he made a strong case against proportional representation.[18]

The possibility of recording through government a real general will finds very few defenders in modern theory, outside of the Hegelian rear-guard so stoutly led by the late Dr. Bosanquet. The paradoxical aspect of the matter is that, along with the increasing drift in actual law and government toward collectivism, traced in English law by Dicey's *Law and Public Opinion in England in the 19th Century*, has gone an attempt to escape the consequential centralization through all manner of schemes for federalizing authority in various degrees, from those which look only to regionalism and a more vigorous local government, all the way to proposals like Mr. Cole's for a redivision of political society along lines occupational as well as territorial; or like the Webbs' for dividing work between a Social and a Political Parliament.[19] Leaving out of account, then, the extreme pluralism of the revolutionary, and almost anarchistic syndicalists, such as M. Sorel, one may still say that the pluralistic critique of the sovereign state has had a great impact on political theory, in so far as it has forced a reconsideration of the part groups play in making law.

In France, M. Duguit has taken the same general doctrines enunciated by Mr. Dewey as long ago as 1894 (in an article in the *Political Science Quarterly* on "Austin's Theory of Sovereignty"),[20] and has erected one of most formidable of the modern reconstructions of juristic theory, pluralistic to the degree that it

[18] A. V. Dicey, *The Law of the Constitution*, 8th Ed., Introd. p. xci, *et seq.*

[19] G. D. H. Cole, *Social Theory*, and *Guild Socialism Restated;* also *The Future of Local Government*, especially the chapter criticizing "Webbismus." For criticisms of Mr. Cole's theory in detail see the essay of F. W. Coker, *op. cit.*, and the following articles: E. D. Ellis, "The Pluralistic State," 14 *American Political Science Review*, (1920); "Guild Socialism and Pluralism," *ibid*, vol. 17, (1923); G. H. Sabine, "Pluralism, a Point of View," *ibid*, vol. 17, (1923); and P. H. Douglas, "Proletarian Political Theory"—*loc. cit. supra.* Note 13.

One of the best general statements of the movement called "guild socialism" and the most detailed critique of it is the book of that name by Niles Carpenter. See also Odon Por, *Guilds and Coöperatives in Italy.*

[20] Mr. Dewey's "instrumentalist" pragmatism contained in germ the philosophy of *"Solidarisme"* upon which M. Duguit bases his decentralized theory of the functional state.

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recognizes in federalism, in the new legal status of trade unions, and in regional and representational reforms, a complete break with the older and classic doctrines of sovereignty. In England, too, "the Metaphysical Theory of the State," as Mr. Hobhouse has called it, has fallen into sad disrepute. Mr. Ernest Barker, and the present Master of Balliol, Mr. A. D. Lindsay, have joined forces with those who, like Maitland and Figgis, pointed out the theoretical as well as the practical limitations of state sovereignty,—though they have by no means gone so far as Mr. H. J. Laski in the pragmatic point of view that sees no good in the theory of legal sovereignty because it cannot be sustained, in practice, in its formal purity.[21]

The case against "the discredited state" is one whose strength cannot and ought not to be underestimated. At the same time, one must not misunderstand what Mr. Barker meant in that article, in the *Political Quarterly*, which has been hailed by Mr. Laski and others as the classic statement of the grounds for political pluralism. The "discredit" which he felt attached to the state was rather aimed at discrediting the all-absorptive, super-moral state of Hegelian idealism, that offered so excellent an apology for the *Goose-step*.[22] One ought not to forget that his article was written before the war, at the hey-day of the great to-do which was being made by the apostles of the new "greater unionism." Professor R. G. Gettell, in his recent *History of Political Thought*, has pointed out what a change Mr. Barker's ideas have undergone since that date.[23] Even when *The Discredited State* was published, its author found it necessary to append a foot-note: "It is curious to reflect how differently one would have written in January 1915. We have forgotten that we are anything but citizens, and the state is having the high midsummer of its credit."

[21] Mr. A. D. Lindsay, the present Master of Balliol, has given his own views of "sovereignty," a classic statement, in *The Proceedings of the Aristotelian Society*, June 16, 1924.

[22] *Loc. cit.*, vol. 2, (Feb., 1915).

[23] *Loc. cit.*, p. 462, note. The whole chapter on "Pluralistic Theories of Sovereignty" is an excellent summary of the relation of the modern doctrines to the development of political theories in their historical continuity.

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His point, though, he did not forget in those times of flurried judgment, as many others did; and his point was simply that the "problem of resistance is always a problem of groups." The reality of groups, was, he noted, not that of a "general will," or of some mystic group mind or corporate personality but simply the reality of the hold their "organizing idea" had upon their members.—The hold of the state idea was not always so intense or so exclusive as to prevent loyalty to other groups, for the hold of ideas upon men's loyalty varies with time and circumstance. When he wrote, home rule for Ireland had brought the Liberal government to the verge of a despairing admission of its impotence to coërce Ulster—nor has the problem disappeared with the creation of the Irish Free State. It was not only that trade unions and the Church had enforced their claims on the government; the whole empire was a standing example of the truth of Mr. Barker's claim that loyalty was capable of degrees of intensity, even of division against the claims of the state, as the state was defined by existing law.

In times of political transition when the very basis of the state, its "organizing idea," in Mr. Barker's phrase, is in dispute, it is reasonable to demand that the power of government shall not be used to enforce the *status quo* merely to prevent change. The political genius of the English has rested just in a willingness to recognize that there are times when legal sovereignty does not command a sufficient acceptance to make it worth while to force the government's point. When the threat is aimed at the very life of the state, government commands as of right—as it did when the threatened general strike was inaugurated by the strike of the English coal miners in the spring of 1920, or as it did during the war. But in most instances it is properly chary of even the display of force—unless that is made necessary by violence.

In troubled times the body politic is in a pathological condition, one which it often requires a skilful physician to deal with. Is it best to operate or to wait? That is the question that always faces politicians when revolution is in the air. And the English are notorious homeopaths in their medical persuasions when it comes to dosing for political ills. They are convinced that the genius of free government lies in persuasion, not in force.

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But in such times political pluralism is not so much a philosophy of the state, as a description of its pathological symptoms. The normal condition of the constitutional state is one in which obedience to the law is a matter of constitutional morality. Where law can neither be agreed upon nor enforced, where the decision is thrown into the arena of what Mr. Laski proposes as "negotiation" or "group competition," the illness of the body politic ceases to be slightly chronic, and takes on an acute phase. Its demise is not so probable as its recovery after a crisis, and a period of such heroic dosing as Mussolini has prescribed to his Italy, though revolution or a period of anarchy are possibilities, and even probabilities where the economic maladjustment is profound.

Internally, England has been undergoing a crisis whose issue is not yet clear; externally, too, from the war-time intensity of its unity, the whole British Empire has slackened to a sort of international coöperation characteristic of a league of nations, rather than of a state. Some of its members have shown a notable unwillingness even to coöperate. Enemies within have arisen to take the place of the enemy without. The legalistic aspects of the former constitution of the Empire are simply in abeyance. The constitution has changed insensibly to that of a commonwealth of nations, and statesmen are casting about for a more satisfactory government than that by conferences, after which there is always the possibility that a change in the member governments (either in the Dominions or in England) may undo whatever has been done. Gestures by the Foreign Office, like that of Lloyd George in making his appeal to the "self-governing" dominions over the Turkish trouble in 1922, show that the prestige of the British Empire, in which they are all interested, may be involved to such an extent by an English minister that they may be drawn into difficulties without wishing to be. The loyalty of the colonies "in a pinch" has been too sternly and too recently proved to admit of any doubting, when the issue is the life of the empire. But their loyalty to decisions in which they have no voice is too important a matter to England herself to be endangered by any but the most thoroughly considered actions. A

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feeling of this sort was certainly not the least of the factors which operated at that time to the overthrow of Mr. Lloyd George's government—and to weaken General Smuts in South Africa later.

These are matters of contemporary and practical import. As such they serve to show how idle it is to consider adequate the formal or intellectualistic conception of legal sovereignty to the solution of problems in which law is actually in the making, and sovereignty is being newly delimited. Yet it is not less idle on these grounds to attack the conception of the unitary state in its legal sovereignty, within those limits where such a unifying principle is present and actually operative in law; and that is what pluralism proposes we should do. Even within the limits of territorial federalism, the concerns which affect the purposes of the whole call for a unified power of decision and jurisdiction. The Imperial Conferences of prime-ministers, and the Judicial Committee of the Privy Council now furnish a working basis for unity, with every prospect either of enlarging the scope of their activity, or of forming in their stead some more adequate method of expressing the responsible will of the governments concerned in matters touching the common purpose of the Empire. If no such basis of unifying legal agreements does arise, the application of the term *state* to the empire will simply cease to fit the facts. New areas of sovereignty will have arisen, whose community of action will be limited to specific agreement, in the same manner that international matters are treated by members of the League of Nations at the present time, leaving out of account the Protocol for compulsory arbitration. And while one may see in that heroic proposal to outlaw war a consummation devoutly to be wished, its fate up to the present suggests that the League is apt to remain a league, and not become a super-state.

The point is, surely, that there is a real significance in the term, "sovereign state," derived from practice as well as theory. The history of federal government in the United States is proof of that fact. Pluralism accurately described the period immediately before our Civil War, yet the pluralistic conception of the nature of the federal union has yielded to the conception of

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unified sovereignty, wherever national concerns were at stake. And this has occurred through the dialectic of historical facts, and is continuing to change constitutional theory to fit those facts. Federalism can hardly be irreducible and ultimate. If there is to be accepted law, there must be the possibility of determining finally what is law, and of amending the constitution itself where the law is outgrown. The position of the Supreme Court of the United States presents the spectacle of a power of juristic unification unique in the history of political institutions. Ever since Chief Justice Marshall and his associates decided *Marbury v. Madison*, the sphere of federal jurisdiction has increased, not without being challenged, but without being stayed in its course. The "due process" clause of the Fourteenth Amendment, the inter-state commerce clause of Article I, Section 8, and the continued enactment of nation-wide amendments to the Constitution, all prove the essential unity of the rule of law, and of the sovereignty of the nation over the states. It is true that the federal *government* is possessed only of limited sovereignty but that is not true of the federal *state* created by the Constitution.[24] And to the degree that we continue to become a nation and cease to be a federation, national powers will be expanded to national control. The uses (and the proposed uses) to which we are putting the amending power are proof of the reality of such a need. One may deplore it, yet admit the fact.

The concept of sovereignty, in the sense of the constituent basis of the state, is in no danger from either syndicalism or the prag-

[24] The Eighteenth Amendment to the Constitution of the United States, and proposed Amendments such as that authorizing the passage of nation-wide child labor laws, are evidence that the amending process may be turned to statute making, as it has in state government within the nation, if the rigidity of the Federal Constitution blocks this national spirit. For an excellent criticism of the dangers inherent in pushing this centralizing tendency too far see Walter Thompson, *Federal Centralization*.

The platform of Mr. La Follette's party in the recent election demanded that Congress be constitutionally empowered to override the decision of the Supreme Court. Such a provision would naturally make for putting the guardianship of the principles of the Constitution ultimately in the hands of Congress, and would undoubtedly render the Constitution "flexible" in practice to the point of destroying its really federal character.

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matic attacks of Mr. Laski and his allies, for the very good reason that it is, in the form of an ultimate willingness among a given people to make law in certain ways and accept laws when so made, the condition of a society under law. The legal sovereignty of government is another matter; but it, too, must be capable of being determined constitutionally, though its locus may be widened or narrowed. Matters which transcend the purpose which government exists to realize under the constitutional mandate from the state may be referred to an arbitrament outside the bounds of a narrowly conceived Austinian doctrine, and matters which are the special concern of local areas or specific interests will properly be left in their hands. Government is the creature of the political community and is limited by the limits of the purpose that creates that community.[25] Where, however, the unified purpose of a community, partly resultant from historical heritage (even more, no doubt, from economic interdependence), but also partly the creation of an active and normative purpose expressed through constitutional agencies, is at stake, it cannot be suffered, in the words of the Master of Balliol, "to go by default."[26] This is the area of the fundamental

[25] The real point that is being made by pluralists is that the acceptance and enforcement of laws (statutes, ordinances, etc.) is a matter of degree, and that even the constitutional bases of legal sovereignty do not command a loyalty from citizens that is undivided with other groups within the state. If one grants, however, that legal sovereignty is a pragmatic matter, to be tested in the working, one may also point out that constitutional unity still remains an *a priori* as well as a pragmatic necessity to the limitation of the resort to force by groups of any sort, and to the enforcement of responsibility against government itself, as the agent of that particular community of purpose which can be reduced to legal terms. *The attack on the state (as it actually is embodied in a given polity) can only be justified when the sphere of government is being steadily pushed (either by a majority or by the pressure of a bloc on representatives, beyond the limits laid down by such community of purpose among the citizens as is capable of being translated into enforceable law.* This is no more indeed, than to admit an ultimate right of revolution where constitutional forms are outworn or repressive, and substantially impossible of amendment by political means.

[26] *Loc. cit. supra*, note 21. See also his articles on "The Political Theory of Norman Angell," 1 *Political Quarterly*, no. 1, (Feb., 1914), and "The State in Recent Political Theory," *ibid*, no. 4, (Dec., 1914), and his contribution to *Recent Developments in European Thought* (edited by F. S. Marvin) "Recent Political Theory" (p. 164–180).

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law, private as well as public. Resistance here means attack upon the state. When labor unions, for example, propose to attain political ends by the rude persuasion of force, any pluralism of powers or division between the state and the parties to social strife, means an end to the rule of law. M. Duguit, for all his pluralistic bias, has recognized that, if Mr. Laski has not.[27]

And so does Mr. Barker, for that matter. "Years of ordered life," he said: "have permitted the germination of other ideas than the indispensable minimum idea of law and order. . . . . If that basis is not secure, if the building of our common life shows cracks and signs of subsidences, if the enemy without should see a gaping opportunity for his battering ram, the cry of 'Back to law and order' will be great and will prevail. Perhaps the hour is not yet. [!] But if it should strike there is no fear for the State, or for the idea of law and order. There is rather fear for other societies, other ideas. The idea of law and order, when it is roused is one of the cruellest things in history. Think of the suppression of the Parisian Commune of 1871."[28] The hour was, it turned out, even then at hand; and Mr. Barker may have had the melancholy pleasure of one who has correctly prophesied dire things in watching the state exhaust its credit in other lands by a most unholy zeal for law and order—a period of repression which may go far to explain recent conditions in Ireland, in the specific case of the British state.

That Golden Age in which the ancients loved to steep their imaginings of the ideal perfection can hardly be thought of as existing without an accompanying race of innocents. The

[27] M. Duguit, both in the *Traité de droit constitutionnel*, and in *Sovereignty and Liberty* recurs again and again to the manner in which the French government broke the general strike of May 1, 1920 (launched first on the railroads) by calling out troops. His system of law, founded on social reactions and the necessity of securing the functioning of the nation as an economic organism, would give a theoretical basis for Mussolini's interpretation of Fascism. See the writer's "The Metaphysics of Duguit's Pragmatic Conception of Law," 37 *Political Science Quarterly*, no. 4, (Dec., 1922) and review of Duguit's *Traité, ibid*, vol. 39, no. 4, (Dec., 1924).

[28] *Loc. cit.*, 2 *Political Quarterly*, no. 1, (Feb., 1915).

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Metamorphoses sang it as forever vanished, living only in the poet's dream:

> Aurea prima sata est aetas, quae vindice nullo
> Sponte sua sine lege fidem rectumque colebat
> Poena metusque aberant nec verba minacia fixo
> Aere legebantur, nec supplex turba timebat
> Iudicis ora sui.

Whether men have degenerated from the happy age of spontaneous goodness that Ovid celebrated, or whether they have risen from as thick a slime as Huxley's generation believed in, they are at any rate so far below the angels, and so little above the beasts, that the view Hobbes took of "the state of nature" seems to justify itself in times of civil strife.

When all men take the view of the state which characterizes the political pluralism of Mr. Laski, for example, that every command of the sovereign is called upon to justify itself before the moral conscience of the individual as right in itself, then the majesty of law is rendered a thing of shreds and patches. Constitutionalism is the necessary context of single laws. "Pluralism" puts an impossible demand upon such laws. The essence of the morality of "law-abiding" people lies in the recognition of the necessity for a delimitation of "rights" by an accepted rule of law. And when the individuals who call the right of the state to command into question are "corporate persons"—whether church, business, or labor unions—the matter is even more impossible of the solution Mr. Laski proposes. Then the rights of personality become the corporate interests which know no limits (in the case of economic groups) except those imposed upon them by necessity. To speak of the "moral personality" of the United States Steel Corporation or of the A. F. L. smacks of a *mauvaise plaisanterie*. A feudal regime of pluralistic sort among such "moral" persons brings us back to Hobbes; for life under it, if it be not solitary indeed, is nasty, brutish, and short, enough and to spare. *Homo homini lupus est* applies in an even greater degree to corporate persons, employers or employees, than to human ones, for there is a certain "soulless-

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ness" about bodies whose *raison d'être* is economic gain that is hardly to be found even in tyrants. Truly they have "neither soul to save nor body to kick."[29]

So that, while we may approve the "discredited state" of which Mr. Barker talked, so long as that discredit is paradoxically "greatly to its credit" (like being an Englishman in Gilbert's immortal song from *H. M. S. Pinafore*), and because, forsooth, it is an uninterfering and as kindly as a London Bobby, we may take alarm when it is proposed seriously to discredit the state and the law. The English attitude of "grousing" at the government deceives no one who understands how firmly the roots of English liberty are planted in respect for law, and in the willingness to wait its slow education at the hands of public sentiment rather than to force radical changes upon it by minority violence, or majority repression. One may suspect that the Labor Party, even more really in power than it has been so far, would not be so revolutionary as in its opposition days. "Direct Action" appeals perhaps more strongly to the Latin love of the "sublime" because it is more dramatic. But the attempt to introduce it, even under the genial auspices of William James' pluralism, into the political atmosphere of responsible government, destroys the genius for political liberty which characterizes the free peoples who make and maintain law. It is an appeal to that violence which M. Sorel has eulogized, whose only immediate issue is the reappearance of a sovereign equally despotic whether he be black-shirted or red.

[29] As this goes to press, the Church, acting through the Fundamentalism of Tennessee, has reasserted its claim to group rights in an extreme degree, even to the control of state education. On the other hand, the recent decision of the Supreme Court extending the protection of the First Amendment (through the Fourteenth) over the state of Oregon, has protected the group rights of religious sects against compulsory state control of all education.

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SECTIONALISM IN CONGRESS (1870 TO 1890)

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Sectionalism is a fundamental and persistent factor in American politics. In the shaping of congressional legislation and even in the formation of the platforms of our national parties, the influence of conflicting sectional interests is of prime importance. The precise nature of such sectional conflicts and the alignment of the various sections upon the leading policies of the time are clearly revealed by an analysis of the votes and debates in Congress on outstanding issues of national importance. Such votes, mapped by congressional districts, show that again and again party lines are broken by the force of sectional interest and that both Republicans and Democrats divide into sectional wings.

A study of the period from the early 1870's to 1890 shows that sectionalism at that time was in large measure the product of the interaction of two movements in our national development,—the rapid expansion of Western settlement, particularly in the trans-Mississippi Middle West (the West North Central states) and the Mountain region, and the marked intensification of industrialism in the older sections of the country, especially in the North Atlantic states. Sectional alliances are flexible and shift with changing economic conditions. The East North Central states, for example, which at the beginning of the period usually vote in alliance with the West North Central and South, by the later eighties are found often on the side of the North Atlantic, a change which may be due to the fact that in the interval they had undergone a marked industrial development which gave them economic interests in common with the older sections. The areas of strongest radical voting move farther West with the shift in the centres of production of grain and livestock; that is, the nucleus of revolt in the Western wing of the Republican party especially is in the newer agricultural regions.

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In the interaction of two sets of factors—the economic, comprising all the influences of climate, soil, and natural resources, and the political, comprising the considerations of party allegiance, neither set of factors alone is determinative of the result or sufficient to explain the situation. Although the seventies and eighties seem somewhat barren of striking personalities and forceful leadership, by comparison with the periods preceding and following, they are not devoid of outstanding figures. But on the whole, the influence of the purely personal factor plays a relatively minor part in determining the outcome in votes on national policies. Such votes are the product of an adjustment between the interests of sections which have varying and special needs and the demands of allegiance to parties nation-wide in scope.

The problem of evaluating a given vote and of deciding what relative influence political and economic factors have played in its determination is not a simple one. When one considers that the vote may be on an issue on which the party has no definite policy and that party platforms at best cover only a few issues; that bills are reported by bipartisan committees, which may give a unanimous report or in which the divisions among the members may cut across party lines; that after the Reconstruction period the location of parties was largely sectional, so that what seems superficially to be a solid party vote may really be an expression of sectional as well as party feeling; that before the final vote is taken the bill is so often a patchwork of compromise that it is difficult to attach any true party significance to it, one begins to realize the complexity of the problem. Add to this the fact that in the seventies and eighties the platforms of both Republican and Democratic parties were exceedingly vague upon even the leading issues, especially those of the Republicans, who did not come out squarely for protection till 1888 or for the gold standard till 1896, and one readily perceives that even an overwhelming vote of the representatives of a party for or against a bill need not of necessity be an indication of party loyalty.

Even a vote of ninety per cent of the voting members of the party on one side (defined by President Lowell as a party vote

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in his study of the Influence of Party on Legislation)[1] may not be a true party vote, since it frequently happens during this period that even a ten per cent minority is concentrated in one section.[2] It is also easily apparent that, in general, sectional feeling appears more clearly upon the early schedules or amendments to a bill than upon its final passage, when party discipline may whip the recalcitrants into line or when differences may have been reconciled by a compromise which enables both wings of the party to support the measure, but which conceals the real conflicts of interest that exist between the various sections.

One is further confronted by the fact that in "attributing to a district the views of its representative in Congress" one is limited by the numerous instances when the congressman votes for his own advancement in the counsel of the party, rather than for the interests, or in accordance with desires of his constituents; that during the early part of the period graft and corruption in high circles were not unknown and more than one congressman's vote was indubitably dictated by the "interests"; that congressional districts were frequently gerrymandered to conceal their natural physical or economic unity and obtain a party advantage; and that in some instances log-rolling and intersectional bargaining modified the distribution of the vote. The voting of cities, with their bipartisan politics and often with their capitalistic interests at variance with the interests of the section in which they are located, forms a topic for investigation by itself, and further complicates the problem. A perfect comprehension of the meaning of a vote would also involve a knowledge of each congressman, of his background and training, whether he belongs to the small minority which thinks independently or the vast majority which submissively follows leadership, whether he works conscientiously for the good of his constituents or selfishly for personal aggrandizement through the securing of party position and leadership.

On the whole, however, the great majority of men can be relied

[1] Lowell "Influence of Party upon Legislation" *Amer. Hist. Assoc. Report*, 1901, vol. 1, p. 323.

[2] *E. g.*, conservative Democratic votes in the Middle Atlantic states, and radical Republican votes in the West North Central states.

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upon to vote according to the dictates of party or the insistent demands of their section in times of distress. An analysis of the votes from the point of view of the sectional interests involved and the position of parties upon the issues at stake is sufficient, therefore, adequately to explain the result, since the number of independent votes, uninfluenced by either of these two factors, is comparatively so negligible that it cannot materially affect the total outcome.

The issues in which the country was most interested during the seventies and eighties, as evidenced by the action of Congress and the national party platforms, were for the most part connected with the expansion of the West or the industrial development of the North Atlantic states, such issues, for example, as currency and banking, the tariff, public lands, internal improvements, regulation of the railroads and trusts, and immigration. All these aroused strong sectional antagonisms; and sectional feeling on these issues, while differing in certain respects, exhibits one common feature,—the opposition of the agricultural regions, remote from the markets for their products and heavily burdened with debt, to the capitalistic centres of the country. In one form or another, it is antagonism to vested interest, whether it be to national banks, trusts, the railroads, the gold standard, or land speculators.

It is only natural, therefore, that sectionalism should appear more pronounced in periods of economic depression than in periods of business prosperity, since the suffering incidental to the over-rapid expansion of the west and to the shift in the centres of production of the great agricultural staples is more acute at such "hard times." It is most pronounced, for our period, during the severe and prolonged depression following the panic of 1873 and extending to 1879, and less so during the depression of the middle eighties, (1882–1886). There is distinctly more party voting in the years of comparative prosperity, from 1879–1882 and 1887–1890, than in the two periods of hard times in the seventies and eighties. This is explained by the fact that at times of acute distress the sections which are hardest hit tend to break away from party allegiance and combine with other sections to

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effect a redress of their common grievances. This is true not only of sections as a whole, but also of the regions economically more highly organized within the sections, so that in times of depression, particularly, such intra-sectional areas, determined by geographical or economic factors, which obviously do not respect state boundaries, often break away from the section as a whole and vote conservatively when the sectional majority is radical. Sectionalism, then, consists not only of combinations and contentions between groups of states seeking to control national policies in which they have an interest, but also of the opposition between the more advanced and the more backward regions of the country. The comparative vagueness of the platforms of both Republican and Democratic parties throughout the period, until the election of 1888, further stimulated sectional divisions, since it enabled discontented sections to interpret the planks to suit their own interest without incurring the charge of disloyality to the party faith.

During the depression of the seventies, the North Central and Southern states combine forces, especially on the issue of a cheap and inflated currency with which to meet their debts, and show a common antagonism to the capitalistic interests of the North Atlantic states. New England is consistently conservative throughout this period, the Middle Atlantic and Far West unstable. It is noteworthy that wherever intra-state or intra-sectional minorities appear, which is of frequent occurrence, it is in the regions of highest economic development and capitalistic interests which vote conservatively in a section largely radical. This is particularly true in the North Central area, where the "New England colonies," which are also the regions of dense population, high per capita wealth, and manufacturing interests, vote with the North Atlantic states rather than with their section as a whole.[3]

In the depression of the middle eighties, the same sectional grouping is found and the same intra-sectional minority areas, though in a few instances the North Central group divides, the Eastern part voting with the North Atlantic, the Western with

[3] Map IV, if mapped by congressional districts, would show this clearly.

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the South, a division which had appeared occasionally as early as the end of the seventies.

In periods of depression, the two great agricultural sections of the country join forces. This is especially common in votes on currency and banking, but occurs also in votes on public lands, internal improvements, and interstate commerce. The combination is not, however, due to a complete identity of interest, though both sections were primarily agricultural and both suffered acutely in years of depression. But the causes of the suffering differed. The farmers of the North Central area had incurred heavy debts in the course of an over-rapid westward expansion; in the South, indebtedness was in part the legacy of the Civil War and Reconstruction, and the post-war and post-Reconstruction bitterness of the practically solid Democratic South toward the largely Republican North was superimposed upon the natural grievance of an agricultural against a capitalistic section. Although the alliance of the North Central and Southern states sometimes occurs in years of prosperity, it is less frequent than in periods of depression.

Further evidence of the greater amount of sectional voting in periods of depression is furnished by an examination of the votes of the Republican and Democratic parties separately on sixty-four leading measures during the seventies and eighties.[4] In the Republican party during the depression of the seventies, seventy per cent of the votes analysed show a strongly sectional division of the party into an Eastern and Western wing, the North Atlantic or New England opposed to the North Central group even to the extent of voting conservatively when the party as a whole votes radically. In fifteen per cent of the votes, a majority of the Republicans of all sections votes conservatively, but a radical

[4] These sixty-four votes include fifty-three House votes and eleven Senate votes. Of the House votes, twenty-two are on currency and banking, six each on tariff, lands, and regulation of trusts or railroads, four on improvements, two on immigration, and seven on miscellaneous measures, including internal revenue, reapportionment of seats in Congress, fisheries, agriculture, admission of territories, the Panama canal, and the bureau of animal industry. Of the Senate votes, five are on currency, two on lands, and one each on tariff, improvements, interstate commerce, and immigration.

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minority appears chiefly in the North Central area; in fifteen per cent, the party votes as a unit. In the following years of prosperity from 1879–1882, however, only forty-one per cent of the votes are strongly sectional, some of these showing a division of New England versus the West, some revealing the attitude of the Far West on the Chinese Exclusion question; in twenty-three per cent the party votes almost as a unit, with a small radical minority in the West North Central states; in thirty-six per cent the vote is purely a party one.

During the depression of the eighties, on the other hand, sixty per cent of the votes are sectional, involving a reversal of the party majority by a sectional majority in the case of the North Atlantic or Middle states, the Far West, or the North Central group; in twenty per cent of the votes, a sectional minority is concentrated in the North Central and Far Western states; in twenty per cent the party votes as a unit. In the prosperous later eighties, however, the percentage of sectional voting is relatively small,—only thirty-three per cent, involving a reversal of party majority by those of sections, in the case of New England, the Far West, and the West North Central states; in forty-two per cent a sectional minority in an otherwise unified party appears in the North Central areas; in twenty-five per cent no sectional influence appears.

MAP I. HOUSE VOTE ON PASSAGE OF A BILL FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, JUNE 5, 1874

House Journal, forty-third Congress, first session, pp. 1116–1117

	REPUBLICAN NAY	REPUBLICAN AYE	DEMOCRATIC NAY	DEMOCRATIC AYE	THIRD PARTY NAY	TOTAL NAY	TOTAL AYE
New England	10	9	0	0	0	10	9
North Atlantic	20	14	5	3	1	26	17
East North Central	7	40	5	6	0	12	46
West North Central	0	20	3	5	0	3	25
South Atlantic	9	7	9	4	4	22	11
East South Central	1	15	3	10	0	4	25
West South Central	0	8	4	1	0	4	9
Mountain	0	0	0	1	0	0	1
Pacific	0	2	0	0	0	0	2
Total	47	115	29	30	5	81	145

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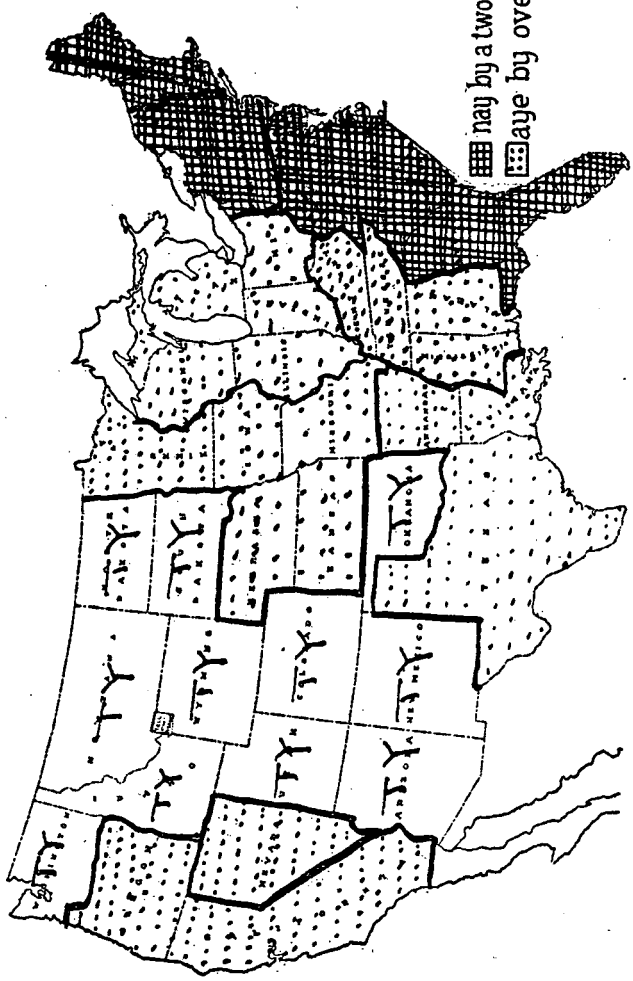

MAP I. HOUSE VOTED ON PASSAGE OF A BILL FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, JUNE, 1874

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It is worthy of note that in the seventies men like McKinley, Garfield, and Cannon, who later became the responsible leaders of the Republican party, were repeatedly voting for radical financial legislation in response to the demands of their section. And it is well known that McKinley's record in this matter was a source of some embarrassment to the party when he became the Presidential candidate at a time when it was swinging over to the "sound money" attitude.

The Democratic party also divides along sectional lines. In the depression of the seventies, thirty-nine per cent of the Democratic votes are sectional, mostly a division of the North Atlantic Democrats versus those of the West and South, partly a division on Eastern and Western lines; sixty-one per cent are party votes. In the years 1879–1882, forty-six per cent are sectional votes, two-thirds of which align the Middle states against the West and South, while one-third divides the North Central area into Eastern and Western wings siding respectively with the North Atlantic and the South. In the depression of the eighties, forty-one per cent are sectional, mostly a division of the North Atlantic against the South; in one instance, of the North Central states against the North Atlantic and South. In the later eighties, only thirty per cent are sectional votes, involving chiefly a reversal of the total party majority by the Democrats of the North

MAP II. HOUSE VOTE ON PASSAGE OF THE RESUMPTION ACT, JANUARY 7, 1875
House Journal, forty-third Congress, second session, p. 138

	REPUBLICAN AYE	REPUBLICAN NAY	DEMOCRATIC AYE	DEMOCRATIC NAY	THIRD PARTY NAY	TOTAL AYE	TOTAL NAY
New England	13	9	0	1	0	13	10
North Atlantic	41	5	0	10	1	41	16
East North Central	38	4	1	13	0	39	17
West North Central	14	2	0	7	0	14	9
South Atlantic	12	2	0	15	4	12	21
East South Central	12	2	0	14	1	12	17
West South Central	2	0	0	7	0	2	7
Mountain	0	0	0	0	0	0	0
Pacific	3	0	0	1	0	3	1
Total	135	24	1	68	6	136	98

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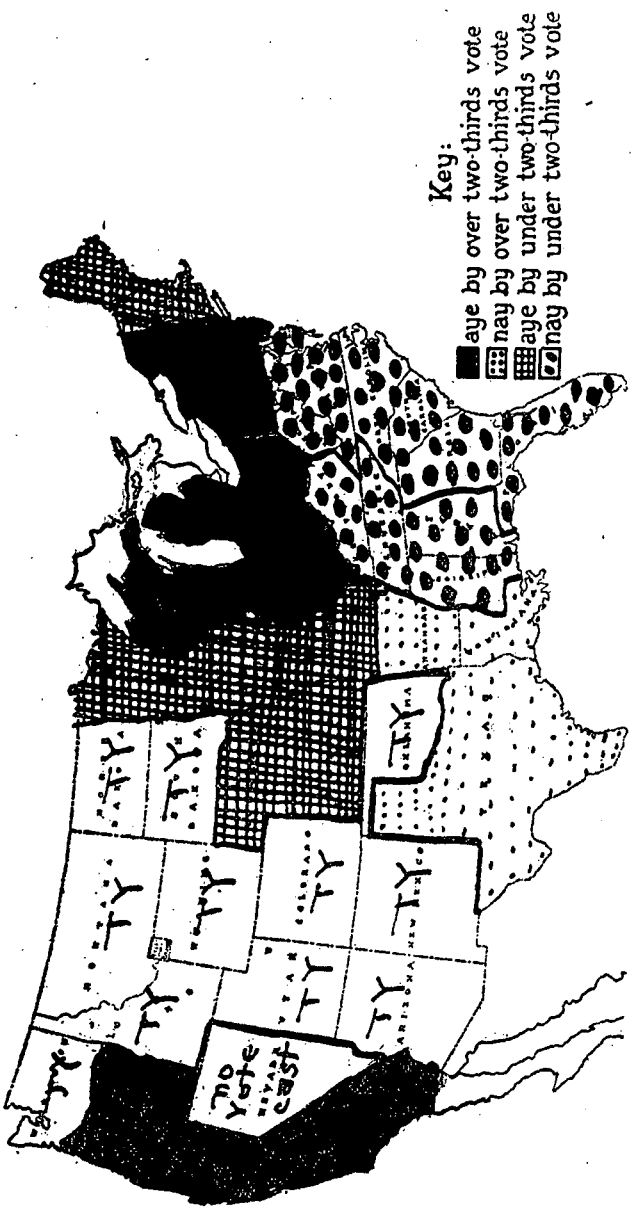
Key:
aye by over two-thirds vote
nay by over two-thirds vote
aye by under two-thirds vote
nay by under two-thirds vote
No vote cast

MAP II. HOUSE VOTE ON PASSAGE OF THE RESUMPTION ACT, JANUARY 7, 1875

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Atlantic or Middle states, and once by those of the West North Central and West South Central groups.

The method of obtaining the above percentages, as well as those contained in the following pages, is illustrated by an analysis of the six typical votes here tabulated and mapped, since precisely the same method of analysis has been applied to sixty-four votes and the percentages are based on the analysis of all sixty-four. A vote is not called a party vote if even a small minority has a concentrated location which is attributable to sectional influence. It is regarded as a party vote, however, if a small minority (of less than ten per cent) exists, but is so distributed as to exhibit no influence of sectional interests.

Examining the vote shown in map I, we find that it is clearly a sectional one, on an East and West line of division, the entire Atlantic coast voting against the improvement of the Mississippi River and all sections west of the Alleghenies voting for it. Though a majority of both Republican and Democratic votes in the country as a whole is for the bill, in the sections which are against it, the majority of both Republican and Democratic votes is also against the bill, showing clearly that sectional interest was the chief determining factor in the vote. Thirty-nine out of forty-seven Republican votes against the bill are from the Atlantic seaboard.

MAP III. SENATE VOTE ON PASSAGE OF BLAND ALLISON BILL, FEBRUARY 15, 1878

Senate Journal, forty-fifty Congress, second session, p. 209

	REPUBLICAN NAY	REPUBLICAN AYE	DEMOCRATIC NAY	DEMOCRATIC AYE	THIRD PARTY AYE	TOTAL NAY	TOTAL AYE
New England	9	0	2	0	0	11	0
North Atlantic	1	1	3	1	0	4	2
East North Central	1	6	0	3	0	1	9
West North Central	0	8	0	2	2	0	10
South Atlantic	0	1	2	7	0	2	10
East South Central	0	1	1	5	0	1	6
West South Central	0	1	0	5	0	0	6
Mountain	0	3	0	0	0	0	3
Pacific	2	0	0	2	0	2	2
Total	13	21	8	25	2	21	48

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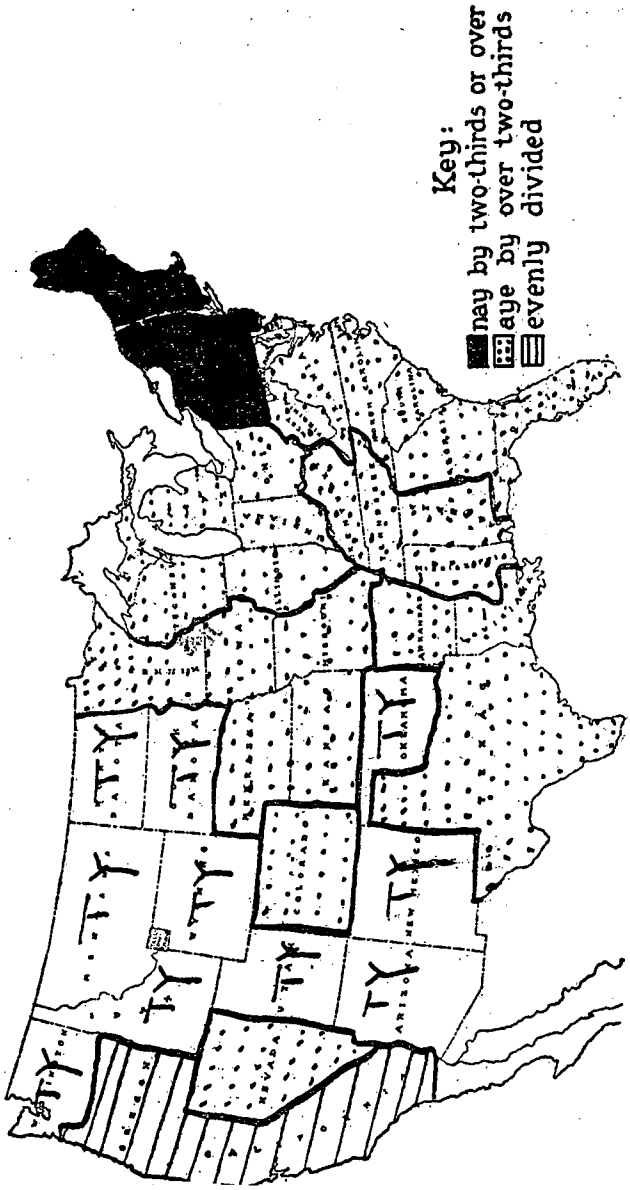

MAP III. SENATE VOTE ON PASSAGE OF THE BLAND-ALLISON BILL, FEBRUARY 15, 1875

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The vote shown in map II shows no definite sectional influence and is almost wholly a party vote of the Republicans for and the Democrats against the bill. The fairly large Republican minority against the bill is so evenly distributed as to show no sectional influence.

In the Senate passage of the Bland-Allison bill, shown by map III, although a majority of both parties supports the bill, sectional influence is markedly shown by the fact that in New England the majority of both parties is against it, as is the Democratic majority in the Middle states, where the Republicans are evenly divided. This is a clear instance of the anti-silver sentiment of the North Atlantic states, which in this case was strong enough to cause a reversal of the party majority by the sectional majority in those states.

The noteworthy fact in connection with the vote given in map IV is the shading of opinion from East to West on the silver issue. The East North Central states are against free silver, though by a smaller majority than the North Atlantic states. The West North Central states are for free silver. This split between the East and West North Central states contrasts sharply with the attitude of the North Central states in the vote taken by the House immediately before this one, on the question

MAP IV. HOUSE VOTE ON ORDERING THE THIRD READING OF THE FREE SILVER BILL. H. R. 5690, APRIL 8, 1886

House Journal, forty-ninth Congress, first session, pp. 1194–1195

	REPUBLICAN NAY	REPUBLICAN AYE	DEMOCRATIC NAY	DEMOCRATIC AYE	THIRD PARTY AYE	TOTAL NAY	TOTAL AYE
New England	18	0	4	0	0	22	0
North Atlantic	33	2	25	1	1	58	4
East North Central	24	6	10	24	0	34	30
West North Central	13	10	2	12	1	15	23
South Atlantic	2	2	17	23	0	19	25
East South Central	1	1	8	20	0	9	21
West South Central	0	0	4	16	0	4	16
Mountain	0	2	0	0	0	0	2
Pacific	2	4	0	1	0	2	5
Total	93	26	70	98	2	163	126

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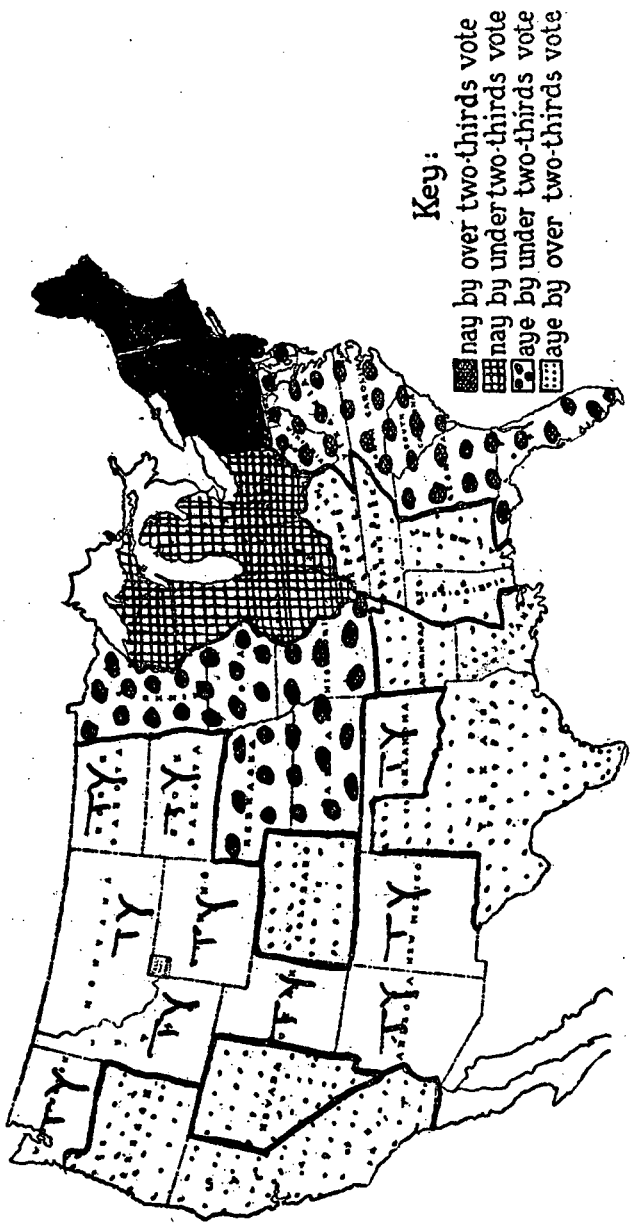

MAP IV. HOUSE VOTE ON ORDERING THE THIRD READING OF THE FREE SILVER BILL, APRIL 8, 1886

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of suspending silver purchase. On that issue, the East and West North Central states stood together for the continuance of silver purchase, though the Eastern section of the North Central group was opposed to free silver, and thus held a mediating position between the North Atlantic and the Western section of the North Central group.

The vote on the discontinuance of silver purchase shows the North Atlantic states in favor, by over a two-thirds majority, and all the rest of the country opposed by over a two-thirds majority. In the free silver vote shown in map IV, however, a sectional influence appears in the fact that the minority opposed to free silver is larger in the South Atlantic than in the South Central area, and in the reversal of the total Democratic majority by its sectional majority in the North Atlantic states. Forty-six out of seventy Democratic anti-silver votes come from east of the Alleghanies and sixteen out of twenty-six Republican votes for free silver are from the North Central states. This vote, therefore, and the contrasting vote taken at the same time on the discontinuance of silver purchase furnish a most striking example of sectional division within both parties.

In the vote on the McCrary bill, shown by map V, the Democratic vote is a party one, but the sectional majority of the

MAP V. HOUSE VOTE ON PASSAGE OF THE MCCRARY INTERSTATE COMMERCE BILL, MARCH 26, 1874

House Journal, forty-third Congress, first session, pp. 665–666

	REPUBLICAN NAY	REPUBLICAN AYE	DEMOCRATIC NAY	DEMOCRATIC AYE	THIRD PARTY NAY	TOTAL NAY	TOTAL AYE
New England	12	7	1	0	0	13	7
North Atlantic	21	15	12	0	1	34	15
East North Central	6	44	12	2	0	18	46
West North Central	0	19	7	0	0	7	19
South Atlantic	2	10	11	2	3	16	12
East South Central	2	12	16	0	1	19	12
West South Central	1	6	5	0	0	6	6
Mountain	0	0	0	1	0	0	1
Pacific	1	2	1	1	0	2	3
Total	45	115	65	6	5	115	121

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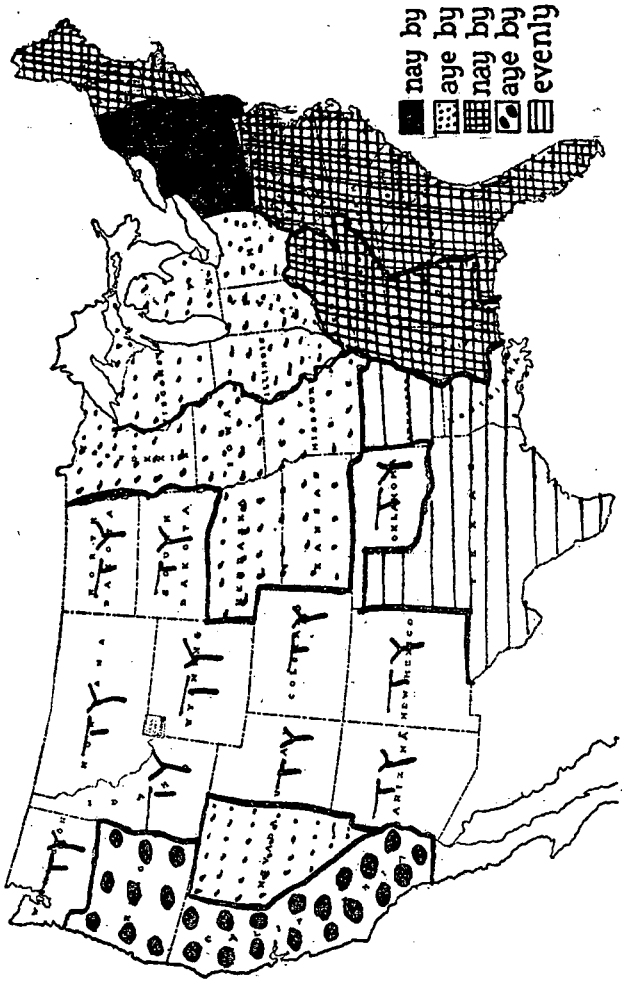

MAP V. HOUSE VOTE ON PASSAGE OF THE MCCRARY INTERSTATE COMMERCE BILL, MARCH 26, 1874

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Republicans in the North Atlantic reverses the total Republican majority, and thirty-three out of forty-five Republican votes against the bill come from that section. The location of six opposing votes in the East North Central states, as contrasted with the absence of any Republican opposition in the West North Central area, may be a further indication of sectional feeling.

The sectional location of minorities in this vote, as also in maps I, III, and IV, is of great significance, especially where the vote of the members of either party within a given section reverses the total majority of the party. It reveals a sectional division of both parties on votes involving distinctly sectional interests, such as internal improvements, interstate commerce, and currency issues.

In the vote given in map VI, on the tin plate duty of the McKinley tariff, the only sectional influence is the location of ten out of thirteen anti-tariff Republicans in the North Central states. In other respects, the vote shows a typical party grouping of the period of the eighties or nineties, when owing to the largely sectional location of the major parties, the resultant line division is one of North versus South.

Sectionalism in the Republican party largely takes the form of radical voting by the North Central area in sharp opposition

MAP VI. HOUSE VOTE ON THE TIN PLATE DUTY UNDER THE MCKINLEY TARIFF, MAY 21, 1890

House Journal, fifty-first Congress, first session, p. 641

	REPUBLICAN AYE	REPUBLICAN NAY	DEMOCRATIC AYE	DEMOCRATIC NAY	TOTAL AYE	TOTAL NAY
New England	21	0	0	3	21	3
North Atlantic	42	0	0	22	42	22
East North Central	42	7	0	19	42	26
West North Central	24	3	0	8	24	11
South Atlantic	8	2	0	37	8	39
East South Central	5	0	0	27	5	27
West South Central	1	1	0	18	1	19
Mountain	3	0	0	0	3	0
Pacific	4	0	0	2	4	2
Total	150	13	0	136	150	149

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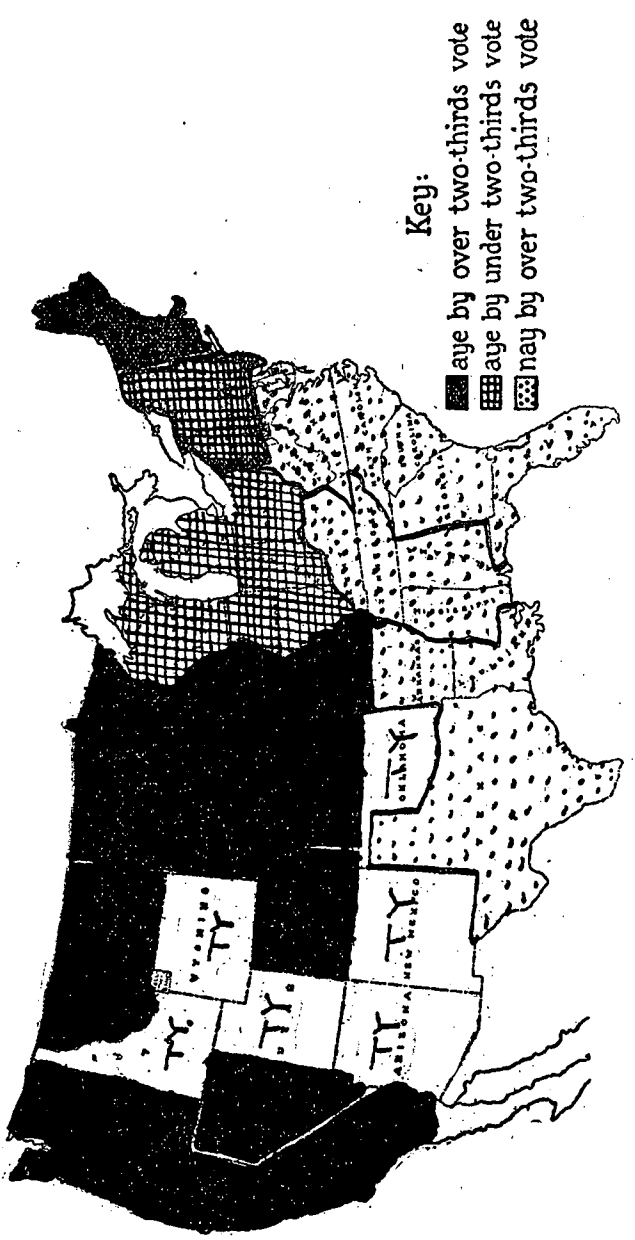

MAP VI. HOUSE VOTE ON THE TIN PLATE DUTY UNDER THE MCKINLEY TARIFF, MAY 21, 1890

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to the North Atlantic group, especially in periods of depression; in the Democratic, it takes the form of conservative voting by the Middle Atlantic states versus the West and South. In both instances, the alignment brings into sharp relief the antagonism between the North Atlantic and the West and South; in other words, of the capitalistic centres against the agricultural regions.

Sectional splits within the parties were not confined to votes in Congress, for in the Democratic National Convention of 1876 a marked division occurred. In opposition to the majority report of the platform committee for the repeal of the resumption day clause of the Resumption Act, in order to postpone resumption, a minority report was offered which proposed the repeal of the entire Resumption Act. On the final vote on the platform, eighty-three delegates voted "nay" because of their desire to see resumption completely abandoned. Fifty-four of these votes came from the East North Central states, eighteen from the West North Central, and eleven from the South Atlantic sections that had combined together on the currency issue repeatedly during the early and middle seventies. On the other hand, five delegates from the North Atlantic states had previously dissented from the majority plank of the Convention on the ground that resumption should not be interfered with in any way. This action is especially striking in view of the fact that the party as a whole was overwhelmingly for the postponement of resumption.[5]

Another sectional grouping found in the middle seventies is a straight East and West division of questions affecting the West directly, such as public lands and the improvement of the Mississippi River,[6] and on the McCrary Bill of 1874 for the regulation of interstate commerce, in which the North Atlantic and South Central areas voted against the North Central.[7]

[5] Proceedings of the Democratic National Convention, 1876. In the Democratic Convention of 1884, there was a split on the tariff plank and 21½ votes from New England, 22 from the Middle states, 31 from the East North Central, 7 from the West North Central, 3 from the Mountain, and 12 from the Pacific were cast for Butler's plank for free raw materials and necessaries and for taxation of luxuries up to the point of collection. Proceedings of Democratic National Convention, 1884, p. 218.

[6] See map I.

[7] See map V.

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The East North Central states held a mediating position between the North Atlantic and West North Central states. Though in the early and middle seventies they voted for the most part with the West North Central group, by the end of the decade their industrial interests had become sufficiently strong to swing them to the side of the North Atlantic on many issues. Their attitude, especially on the currency, was midway between that of the North Atlantic and West North Central states. In the seventies, they were opposed to the unrestricted inflation of paper currency, but not willing to retire the greenbacks already in circulation; in the middle eighties, they were against free silver, willing to continue the purchase of silver and its coinage in limited amounts.[8] Their position enabled them to hold a "balance of power," and it was doubtless in recognition of this fact that great influence was given to representatives from the section, especially from Ohio and Illinois, on committees of the House and Senate, in order to bind them by ties of party interest to the older capitalistic sections with which they could thus share the honors of power. Even the Presidency rotated between the North Atlantic and East North Central sections, chiefly between New York and Ohio, and thus the highest positions of party leadership were distributed between the North Atlantic and East North Central regions.

In addition to these two factors which tended to swing the East North Central states to the side of the North Atlantic—the growing industrial development of the former and the judicious distribution of party honors to its representatives in Congress, in order to bind them by ties of gratitude to the orthodox party faith, may be mentioned also the greater definiteness of party policies in the later eighties, which gave less scope for loose interpretation by different wings of the party. Party organization and discipline were then being strengthened and perfected, but were not, however, sufficiently strong to prevent a split in the ranks under the influence of a really serious depression, as in the middle nineties. The recurrence at that time of an area of revolt in the Populist states, as in the later cases of the Progres-

[8] See map IV.

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sives, the Non-Partisan League, and the farm bloc, indicates that though the North Central group could be held to the North Atlantic by ties of party allegiance and ambition for preferment in party office, the bond was not too strong to be broken when conditions in the farm area, especially in the West North Central states, became acute enough to force a split on the ground of sectional interest. Although in some instances discontent resulted in the formation of temporary third parties, such as the Grangers and Greenbackers of the seventies, the most radical financial legislation of that period was put through by the votes of men who remained nominally within the ranks of the two older parties, and was effected before the Greenback party, as such, had obtained any appreciable representation in Congress. Support for such radical measures as free silver and paper inflation came, however, from substantially the regions where the Greenbackers, the Grangers, the Independent parties found their greatest strength.

The South plays a unique rôle during the seventies and eighties, since it is so completely under the domination of the Democratic party and so unified in its opposition to the North Atlantic section that only rarely do the differences of economic interest between different parts of the South appear in the votes of the section as a whole. In a few votes, the black soil regions come out as a conservative minority in a radical section,[9] but these are the great exception. For the most part, the South votes solidly on the radical side of the leading national policies of the day, and even its industrial recovery in the latter part of the period has slight apparent influence on the votes of representatives from its industrial centres. Almost the only exception to this, beside the currency vote above cited, is the fact that on tariff bills a few scattered Southern Democrats argue for protection to local products, such as coal, sugar, and citrus fruits.[10] It sometimes happens also that the South divides along an East and West line, the South Atlantic voting with the North Atlantic and the South

[9] Map IV, if given by congressional districts, would show this.

[10] *E.g.*, in debates on tariffs of 1883 and 1890 by representatives of Maryland, West Virginia, Louisiana, and Florida.

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Central with the North Central states.[11] Even where the South votes as a unit, there is a conservative minority sometimes in the South East when it is absent or negligible in the South West.[12] Of course, the Democratic solidarity of the South, while it conceals intra-sectional differences, is itself a manifestation of sectionalism of a peculiar sort, the outgrowth and aftermath of the differences between North and South due to the negro problem.

An examination of the voting of cities, which are large enough to comprise one or more congressional districts, shows that only in ten or twelve per cent of the cases analysed do they vote with the party as against the sectional majority. In thirteen per cent the vote is split within the ranks of one party. But in the great majority of cases, seventy-five per cent or over, the votes of the city show sectional influence. This is of two sorts,—in over sixty per cent, the city votes as the section as a whole votes, most of these being instances where the city is located in a capitalistic section, so that its interests coincide with those of the section; in over ten per cent, a city located in an agricultural section, which votes radically, is found voting conservatively because of its local interests, and in opposition to both sectional and party majorities.[13]

Although the Senate is sometimes considered to be a traditionally conservative body which may exercise a check upon the action of the House, it does not during the seventies and eighties exert any appreciable influence in this direction. In some instances, radical bills passed by the House were never reported out of committee in the Senate; but the Senate votes on bills which

[11] See maps I and V.

[12] See maps II and IV.

[13] In the vote shown in map IV, an interesting and typical example of city voting appears. 27 votes were cast by city representatives. 23 were anti-silver votes (7 Republican and 16 Democratic), cast regardless of party by representatives from the Eastern cities; 4 were silver votes (3 Democratic and 1 Republican) from the Western cities, the one Republican silver vote from San Francisco. In the Republican anti-silver votes, sectional and party influence reinforce each other; in the Democratic anti-silver votes, sectional influence is paramount, as it is in the silver votes of both parties.

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passed both Houses show substantially the same relative amount of sectional and party influence as the corresponding House votes, and the grouping of sections is the same.[14]

Sectional voting is more pronounced in congresses where the political control of the national government is divided between the two parties, than in those where one party controls the Presidency and also a majority of both houses. This is true equally for years of depression and for years of business prosperity throughout the seventies and eighties. But although parties seem to act with somewhat greater cohesion when one party controls the executive and legislative machinery of the national government, even then practically no legislation (with the possible exception of the protective tariff) is passed by the party in power which can be considered as of distinctive value to the party, as such, or on which the policies of the two parties are sharply opposed. In other words, even when the most favorable conditions exist for the party in power, there is nothing even remotely comparable to the party formulation of policy which exists under a parliamentary system. The most that can be said is that in periods when the Presidency and the majority control of Congress are divided between the Republicans and the Democrats, both parties are somewhat more subject to the splitting off of sectional wings or blocs.

A comparison of sectional alignments on different issues reveals certain differences, in spite of their "common denominator" of opposition to capitalistic interests.

On the question of internal improvements, as shown in annual river and harbor bills, the larger aspects of sectionalism are somewhat obscured by log-rolling, since a large majority of congressmen ask for specific appropriations for particular streams or ports in their districts, regardless of the importance of such grants for the internal commerce of the country as a whole. The final grouping of sections on the passage of such bills is of small significance, for the real sectional feeling appears rather in the debates, and in

[14] In the House passage of the Bland Allison bill over the President's veto the North Atlantic is opposed by over two-thirds, and the rest of the country in favor by over two-thirds of the votes cast. Compare map III.

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votes on amendments for specific improvements.[15] The fact that direct proof of sectional bargains is unobtainable makes it impossible to give a complete explanation of sectionalism on this issue.

On the public land question, sectional feeling is shown by the keen interest taken by the West North Central states in all bills affecting the public lands; by the lumbering regions of the North Central, South, and Far Western states in measures relating to timber lands; and by the Far West in the disposition of mineral lands. Other sections are relatively indifferent to these measures of special interest to the frontier regions.

On currency and banking, sectionalism takes the form of sharp antagonism between the agricultural debtor regions, which desire cheap and abundant currency and which resent the high interest rates charged by Eastern bankers on farm loans, toward the centres of capital in the North Atlantic states.

Sectionalism on the regulation of interstate commerce is similar to that on the currency, since the areas of agricultural discontent, which are remote from the markets for their products, oppose persistently the exorbitant rates charged by the railroads and their discrimination between places and individuals. Opposition to the long-and-short-haul clause is located in the sections which would most profit by a low through rate.

The Chinese Exclusion bills of 1879 and 1882 aroused a quite different type of sectional feeling: the Pacific coast, where the menace of Chinese immigration was acute, supported exclusion unanimously; New England, the section most remote from the scene of the danger, was unwilling to abrogate the treaty agreements with China; and the intermediate sections supported the bills by majorities which grew larger in the regions nearer the Pacific coast.

On the tariff, as on river and harbor bills, log-rolling was common and tended to obscure the conflict of interests between the manufacturing centres and the rest of the country. Party

[15] The clear sectional division on map I is due to the fact that the bill involved a specific improvement of one river, the Mississippi, and is thus not characteristic of the annual river and harbor bills.

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influence was stronger on the tariff than on any other issue, since the policy of both parties was most clearly defined in regard to the tariff, although not till 1888 did the Republican platform use the word "protection"' On the tariffs of 1883 and 1890, the votes divided largely on party lines, the Republicans for protection, the Democrats against it.[16] The Morrison bill of 1884 furnishes a striking exception to the rule of party voting on the tariff, since a block of 42 Democrats from the manufacturing regions of the North Atlantic and East North Central states split off from the main body of their party and succeeded in preventing a reduction in import duties. But in spite of the fact that party discipline usually controlled the final vote on the tariff, and that only in rare instances are aye-and-nay votes of the House recorded in the earlier schedules where the real fight came, and that it is impossible to discover the bargains made between various sections to support one another's pet measures of protection, a considerable degree of sectional feeling is nevertheless traceable through the frequency in the debates of pleas for protection for the products of particular districts, especially when even Democrats join in the cry,[17] and in the occasional demands of Republicans for free raw material for some local industry of importance to their constituents or of the Western Republicans for free lumber for homesteads.

Closely connected with the tariff was the regulation of trusts, since opponents of the protective system claimed that it fostered monopolies. To meet such criticism, the Republicans drafted the Sherman Anti-Trust Bill of 1890, but because of their doubt of the sincerity of the reform the Democrats refused to give it their unqualified support. Hence the vote on its final passage divided on party lines.[18] The debates, however, reveal a sectional difference of feeling between the North Atlantic states, which were

[16] See map VI.

[17] In 1883, Democrats from West Virginia asked for a duty on coal, from Mississippi on jute, from New Jersey on pottery, from Maryland on coal and potash, from Louisiana and Florida on sugar; in 1890 Democrats from Louisiana asked for a duty on sugar, from California and Florida on oranges and lemons.

[18] This vote, if mapped, would be identical with map VI.

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lukewarm in their opposition to the trusts, and the North Central group, which expressed vehement abhorrence of monopolies.

The common antagonism to vested interest, seen in the attitude of the West and South on most of the above measures, takes different forms according to the issues involved: On the currency, it is a demand for the remonetization and free coinage of silver, and opposition to national banks and high interest rates on farm loans; on the public lands, it is opposition to the unscrupulous land speculator who builds up large estates illegally at the expense of the legitimate settler; on interstate commerce, it is resentment against the monopolistic practices of the railroads; on the tariff, it is antagonism to trusts and to the special protection given to big manufacturing interests, while the interests of the farmer received small attention. Taken altogether, it is the natural reaction and jealousy of the newly-opened and expanding sections toward the intensification of capitalism in the older sections of the country, which they feel is contrary to their interest.

Summarizing the position of the various sections throughout the two decades of our study, as shown by their votes on leading national policies, we find that New England is solidly conservative throughout, often unanimously so and often when no other section is; the Middle Atlantic states are conservative in seventy-five per cent of the votes analysed; the East North Central states vote radically in fifty-nine per cent of the votes taken, and eighty-four per cent of these radical votes occur in years of business depression; the West North Central states are radical in seventy per cent of the votes, and seventy-seven per cent of these radical votes occur likewise in periods of hard times; the entire South is radical in eighty-four per cent of the votes analysed, usually by over a two-thirds majority, and in seven per cent there is an East and West division of the South into a conservative South Atlantic and a radical South Central group; the Mountain states are conservative in forty per cent of the votes, evenly divided in ten per cent, and radical in fifty per cent; the Pacific conservative in forty-six per cent, divided in ten per cent, and radical in forty-four per cent of the votes. Thus, according to the evidence of the votes, New England is ultra-conservative, the Middle states

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conservative in three instances out of four, the East North Central states largely radical, especially in periods of depression, the West North Central states likewise by even larger percentages, and the Far West almost evenly divided.

Thus, sectionalism appears as a powerful determining factor in the congressional legislation of the seventies and eighties, as it has been the dominant factor in our political history ever since the days of colonial rivalry between tidewater and interior counties. There is abundant evidence of sectional conflict between the industrial centres and the agricultural regions of the country even in contemporary congressional politics. And the essential basis for such conflict remains the same for all periods, however its details may change with shifting social and economic conditions. So long as sections retain their differences of geological formation, natural resources, and economic interests, national policies must be the product of compromises and adjustments between sections, and sectionalism, or diversity in unity, must continue to be a fundamental condition of our national life.

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RAINFALL AND THE POPULIST PARTY IN NEBRASKA

JOHN D. BARNHART

The significance of Populism is being increasingly recognized.[1] In this day of independent voting, and of the "farm bloc," it is unnecessary to stimulate interest in this phase of American political, economic, and agricultural history. Although its term of life was short and turbid, its relation to other movements and questions gives it importance beyond that which it would otherwise enjoy.

Many have endeavored to explain its rise. To some it represented an outpouring of the dangerous elements of the frontier combined with the beginnings of socialistic and anarchistic tendencies in the cities. An English observer characterized the supporters of Bryan in 1896 as the "forces of political and social revolution."[2] A western editorial writer wrote that ninety per cent of the leaders of the Populist Party were "destitute of personal or political integrity" and classed them as "vagabonds, slanderers, and demagogues."[3]

[1] This is indicated by the growing number of recent writers, as, Solon Justus Buck, "The Agrarian Crusade," 1920, "The Granger Movement," 1913; Fred E. Haynes, "Third Party Movements since the Civil War, with Special Reference to Iowa," 1916, "James Baird Weaver," 1919, "Social Politics in the United States," 1924; Alex Mathews Arnett, "The Populist Movement in Georgia," 1922; John D. Hicks, "Origin and Early History of the Farmers' Alliance in Minnesota," *Mississippi Valley Historical Review*, IX, pp. 203–226; "The Political Career of Ignatius Donnelly," *Ibid.*, VIII, pp. 80–132; Hallie Farmer, "The Economic Background of Frontier Populism," *Ibid.*, X, pp. 406–427; Herman Clarence Nixon, "The Economic Basis of the Populist Movement in Iowa," *Iowa Journal of History and Politics*, XXI, pp. 373–396; Ernest D. Stewart, "The Populist Party in Indiana," *Indiana Magazine of History*, XIV, pp. 332–367; XV, pp. 53–74; Melvin J. White, "Populism in Louisiana during the Nineties," *Mississippi Valley Historical Review*, V, pp. 3–19.

[2] Goldwin Smith, "The Brewing of the Storm," *Forum* XXII, November, 1896, pp. 436–446. The author was a very conservative writer who felt that adequate military forces were necessary as protection from the danger.

[3] F. B. Tracy, "Is the Populist Party Socialistic?" *Forum* XVI, October, 1893, pp. 240–250. Mr. Tracy was an editorial writer of the Omaha (Nebraska) *Daily Bee*, a Republican paper.

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A different and unique explanation of the election of 1890 in Kansas is given by W. E. Connelley in "Ingalls of Kansas." He quotes from the verse of Eugene F. Ware, which seems to embody some of the characteristics of Populism.

> Hall[4] did not know what beat him.—'Twas
> Lack of moisture in the atmosphere. He
> Was the victim of climatic scarcity. My
> District expects me to produce territorial
> Humidity, and divide the rain-belt with
> The sea-board States. Ingalls could not
> Accomplish it. He therefore failed to be a
> Statesman. What has he done for Kansas?
> All she needs is rain. She having rain
> Has grain, and having grain had Ingalls.
> He could not make it rain, . . . and now we've got
> Him down.[5]

Between these extremes are other explanations that are more reasonable. Solon J. Buck found that a complex of social, economic, and political causes led to the third-party activity of the farmers. He emphasized the economic but omitted any adequate reference to geographic factors.[6] Frederic L. Paxson, in a very brief statement, gave more attention proportionally to the influence of rainfall.[7] A recent writer on the economic background of Populism explained the movement in Kansas, Nebraska, and the Dakotas as an outgrowth of the depression following 1887 and gave the drought as the "immediate cause" of the depression.[8] It has been suggested that present-day difficulties in the Dakotas are due in large part to climate and geographical factors.[9]

[4] James R. Hollowell, defeated Republican candidate for Member of Congress, 1890. Successful candidate was "sockless" Jerry Simpson, obviously the speaker in this quotation. Ingalls was the unsuccessful Republican candidate for senator, defeated by W. A. Peffer.

[5] "The Kansas Bandit, or the Fall of Ingalls," quoted by William Elsey Connelley, in *Ingalls of Kansas*, 1909, pp. 207–208.

[6] Solon Justus Buck, Works referred to note 1.

[7] Frederic L. Paxson, *Recent American History*, 1921, p. 168.

[8] Hallie Farmer, article cited, note 1.

[9] O. E. Baker, "The Agriculture of the Great Plains Region," *Annals of the Association of American Geographers*, XIII, pp. 110–167. See pp. 110–112.

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These explanations raise the question as to the extent of the influence of rainfall. Some omit it altogether while others attribute very great importance to it. But even these latter are general and lack detailed analysis. Treatment of the influence of rainfall in various fields of activity have not supplied this detail.[10] In the absence of this, the relation between lack of rainfall and voting can be dismissed by the dubious as a coincidence.

Before attempting such an analysis in the limited field of Nebraska, it may not be improper to suggest that rainfall alone obviously does not offer a satisfactory explanation, and that, on the other hand, its importance is such that it should not be omitted. The problem, then, is to ascertain the extent of this influence in a complex of many factors. To do this one must consider the geographic and climatic conditions.

The Great Plains region of the United States includes all of the state of Nebraska with the exception of the eastern portion. This vast region lying between the Rocky Mountains and the Central Lowlands is generally classified as having more or less deficiency of rainfall. Within this region are smaller sections of considerable diversity both as to rainfall and as to conditions of life.[11]

[10] Various phases of the influence of rainfall have been discussed. The following may be interesting in this connection. E. Brüchner, "The Settlement of the United States as Controlled by Climate and Climatic Oscillations," in the Memorial Volume of the Transcontinental Excursion of 1912 of the American Geographic Society of New York, 1915, pp. 125–139; H. Helm Clayton, "The Influence of Rainfall on Commerce and Politics," *Pop. Sci. Mo.* LX, 1901, pp. 158–165; Henry Ludwell Moore, "Generating Cycles of Products and Prices," *Quart. Jour. of Econ.*, XXXV, 1921, pp. 215–237, "Generating Cycles Reflected in a Century of Prices," *Ibid.*, pp. 503–526, "Origin of the Eight Year Generating Cycle," *Ibid.*, XXXVI, 1921, pp. 1–29; Alfred Judson Henry, "Secular Variation of Precipitation in the United States," *Bulletin of the American Geographic Society*, XLVI, 1914, pp. 192–201; Ellsworth Huntington, "Civilization and Climate," 1915, and "The Climatic Factor as Illustrated in Arid America," 1914.

[11] *The Annals of the Association of American Geographers* contains the following articles treating of this region. C. F. Marbut, "Soils of the Great Plains," XIII, No. 2, pp. 41–66; J. B. Kincer, "Climate of the Great Plains as a Factor in their Utilization," XIII, No. 2, pp. 67–80; H. L. Shantz, "The Natural Vegetation of the Great Plains," XIII, No. 2, pp. 81–107; E. O. Baker, "The Agri-

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The most important agricultural region of Nebraska lies to the east of the Great Plains. Its western boundary (map I) may be roughly drawn from a point near the mouth of the Dakota River in a southerly direction, passing a little east of Norfolk and about thirty miles west of Lincoln and then curving slightly westerly in the direction of Concordia, Kansas. This boundary is not as distinctive as others farther west and only indicates slight differences which increase as one passes toward the west. The region lying west of this boundary, or the eastern portion of the Great Plains, is also an agricultural section, but one of less advantages than the land to the east. This agricultural region reaches westerly to a boundary of greater significance. In a rough way, for it is impossible to draw a sharp and exact line, it crosses the northern border at a point half-way between the hundredth and ninety-ninth meridians. It swings around the sand-hills, first east, then south and then west to North Platte, and thence almost due south across the southern border. West of this line grazing becomes of equal or greater importance than farming, and rainfall tends to be insufficient to insure successful farming of the type practised farther east. Within this western region are other sections of distinctive character, the more important of which is the sand-hills.

The average annual rainfall[12] of the eastern section measures

culture of the Great Plains Region," XIII, No. 3, pp. 110–167. They form a survey of the region in question and are very essential to the analysis attempted in this paper. See also E. H. Barbour, "Nebraska Geographical Survey," I, 1903. There is some divergence between the latter and the former on the color of the soil but not as to other significant facts.

[12] For the purpose of the present discussion the most convenient collection of statistics on precipitation in Nebraska is that prepared by G. A. Loveland, of the United States Weather Bureau, stationed in Nebraska from 1888 to 1924, in the Nebraska Blue Book, 1922, pp. 380–386. The divisions of the state are smaller and permit a closer analysis than is possible with the federal statistics. Records of individual stations and of the state, as divided into three sections, may be found in "Summaries of Climatological Data by Sections," I, United States Department of Agriculture, Weather Bureau, Bulletin W, Washington, 1912. See also, Alfred Judson Henry, "Climatology of the United States," United States Department of Agriculture, Weather Bureau, Bulletin Q, 1906; "Rainfall in the United States," United States Department of Agriculture, Weather Bureau, Bulletin D, 1897; Willis L. Moore, "Some Climatic Features

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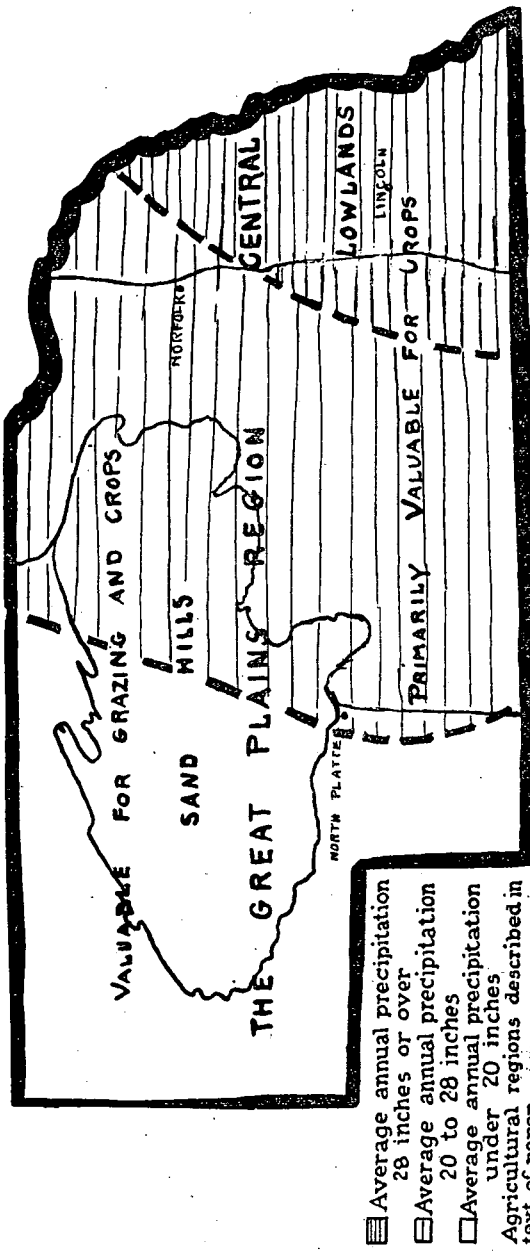
VALUABLE FOR GRAZING AND CROPS
SAND HILLS
THE GREAT PLAINS REGION
CENTRAL LOWLANDS
PRIMARILY VALUABLE FOR CROPS
NORFOLK
LINCOLN
NORTH PLATTE
Average annual precipitation 28 inches or over
Average annual precipitation 20 to 28 inches
Average annual precipitation under 20 inches
Agricultural regions described in text of paper

MAP I. PHYSIOGRAPHIC AND AGRICULTURAL REGIONS OF NEBRASKA

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from twenty-eight inches to over thirty-two inches (map I). The eastern portion of the Great Plains region receives from twenty inches to twenty-eight inches. West of this the rainfall continues to decrease until at the western boundary of the state it is less than sixteen inches. It is a generally accepted fact that where the average annual precipitation is less than twenty inches the agricultural methods of the section farther east cannot be depended upon with success. Dry-farming is practised, but in many regions irrigation seems to offer the only dependable solution.

A high average for the crop-growing season modifies the effect of the low annual average. The same modification results from the low evaporation and run-off, and the holding capacity of the sandy soil. Water thus stored sustains crops even in periods of drought, provided it is not accompanied by hot winds, which are not infrequent.

Settlement in 1880 had covered most of the region in which farming is more important than grazing. During the following decade it pushed beyond into the region of less rainfall in which farming is less successful and grazing is more important (map II).

This advance coincides with a period in which the rainfall was generally above normal. Agricultural possibilities were thought to exceed actual conditions. It was believed that the rainfall was increasing as a result of increased cultivation.[13] Farming was

of the Arid Regions," United States Department of Agriculture, Weather Bureau, 1896; Joseph Allen Warren, "An Agricultural Survey of Nebraska," Annual Report of the Nebraska State Board of Agriculture, 1909, pp. 280–285; O. E. Baker, op. cit., pp. 116, 120–123; and Robert DeC. Ward, "Climates of the United States," (now being printed). See note 13 for earlier discussions.

[13] Samuel Aughey, "Sketches of the Physical Geography and Geology of Nebraska," 1880, pp. 34–52, deals with rainfall and moisture. The author, professor of natural sciences, University of Nebraska, stated, "If the last two years only were taken into account, even there (North Platte) and almost to the west line of the state the rainfall would be estimated at thirty inches, . . . there will be that amount of rainfall over western Nebraska in the near future," (p. 35). Evidence and experiments were cited in support of this and the reasons for it set forth at some length. Maps were published showing the increase during the decade 1869–1879. The same author, in collaboration with Professor C. D. Wilber of the University of Nebraska, published the same views in "Agriculture Beyond the 100th Meridian," 1880. "The State of Nebraska and Its Resources,"

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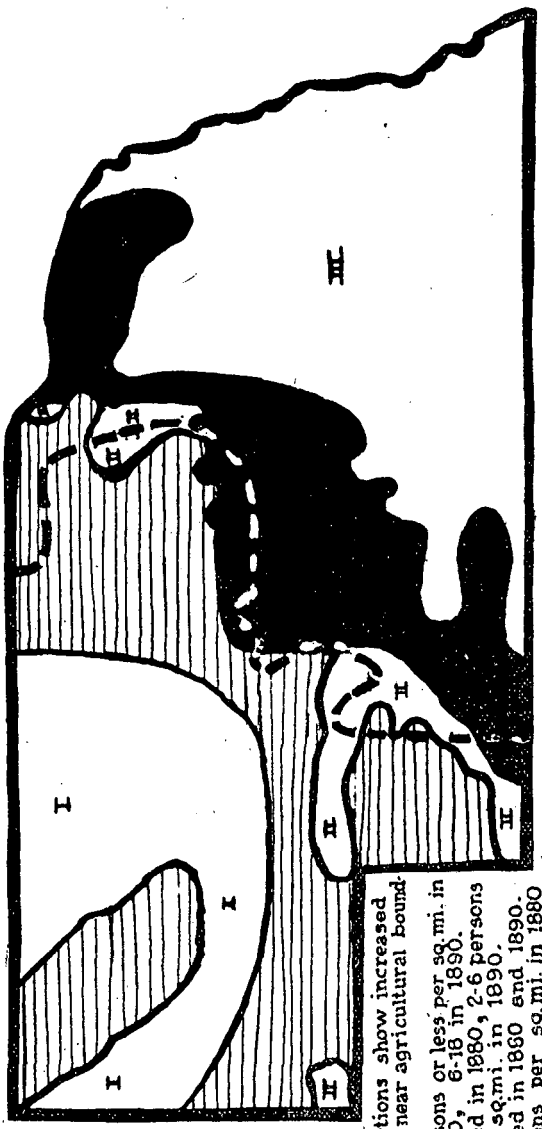
Shaded portions show increased settlement near agricultural boundary line.
2-6 Persons or less per sq.mi. in 1880, 6-18 in 1890.
Unsettled in 1880, 2-6 persons per sq.mi. in 1890.
Unsettled in 1860 and 1890.
2-6 persons per sq.mi. in 1880 and in 1890.
6-18 Persons per sq.mi. and over in 1880 and in 1890
Agricultural boundary line marking in a rough way division between crop land and grazing land. See map No. 1.

MAP II. SETTLEMENT IN NEBRASKA, 1880–1890, IN RELATION TO AGRICULTURE

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attempted where normal conditions made its success very uncertain.

If the settlers had moved into the western part of the state, believing that rainfall was increasing, they were soon to be disillusioned. The year 1887 marked the beginning of a series of years in which rainfall was below normal. Portions of Kansas suffered from drouth two years later, and in 1890 Nebraska experienced a serious shortage of moisture accompanied by hot winds. A local writer has described the summer vividly but not too vividly in these terms: "Week after week, the hot burning sun glared down from a cloudless steel-blue sky. The dread hot winds blew in from the south. Day after day they continued. All fodder, small grain and corn were cut short. Where farming had been carried on extensively rather than intensively the yield amounted to preciously near nothing. The careful expert got some returns for his work, though small."[14] For the farmers who required a crop each season to make payments on their lands or upon the all-too-prevalent mortgages,[15] which had been placed on land, machinery, or stock, the situation was critical.

The year 1890 not only marks a low record in rainfall in Nebraska but also the end of unquestioned Republican supremacy. From 1866 to 1889 that party had carried every state election, its candidate for judge of the supreme court securing in 1881 seventy-three per cent of the total vote cast. A year later

issued by the state in 1879, stated, "The rainfall is ample" (p. 10) and gave figures for Plattsmouth in the eastern and wettest portion of the state as illustration. That such views were used in advertising may be seen by a pamphlet, "Statistics and Information Concerning the State of Nebraska," (see p. 12) published by the Missouri Pacific Railroad after 1891, when sufficient reason existed for doubting their validity. See also, George A. Loveland, "Climatic Conditions," in the J. Sterling Morton *Illustrated History of Nebraska*, Vol. I, pp. 12–17. Even the official federal documents as late as 1890 gave some encouragement to this view. "The Climate of Nebraska, Particularly in Reference to the Temperature and Rainfall and their influence upon the Agricultural Interests of the State," Washington, 1890. United States Documents No. 2687, p. 9. It stated that it was a mooted question whether the rainfall was increasing or not.

[14] H. W. Foght, "The Trail of the Loup, Being a History of the Loup River Region with some chapters of the State," 1906, p. 223.

[15] Fourteenth Census of the United States, XIV, Report on Real Estate Mortgages, 1895.

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the Anti-Monopoly League and the Farmers' Alliance led a revolt under the banner of the Anti-Monopoly Party.[16] But the Republican candidate for governor received forty-nine per cent of the total vote cast for that office, while the Democratic candidate received thirty-two per cent and the Anti-Monopoly candidate nineteen. This was the poorest showing made by the Republicans before 1890.

Following 1889 the Republican Party did not enjoy so predominant a position. The Democratic candidate for governor in 1890 was declared elected, although it is doubtful whether he or the Independent candidate received the highest number of votes. The remainder of the Republican state ticket was elected. The Independent Party, which was a new creation that became the Peoples' Independent Party, controlled the state legislature and divided the congressional delegation with the Democrats. In the judicial election of the following year the Republicans won by casting forty-eight per cent of the vote, the Democrats practically abandoning the field to the Independents. In 1892 and 1893 forty per cent of the votes gave victory to the Republicans. Fusion between the Democrats and Populists began in 1894 and continued as late as 1916. The combination was strong enough to win in 1894, 1896, 1897, 1898, 1908, 1912, 1914, and 1916.[17]

The defeat of the Republican Party in 1890 was not confined to Nebraska and the reasons for the defeat were also national. However, the situation in the west contributed its share, and found expression in the new party, which entered the national election of 1892 as the Peoples' Independent Party, better known as the Populist Party.

[16] Orin G. Libby, "A Study of the Greenback Movement, 1876–1884," *Transactions of the Wisconsin Academy*, XII, Part II, pp. 530–543. This election is treated as the culmination of the Greenback movement in Nebraska. This is an error. The Greenback movement, which made very little impression on Nebraska, cast its largest vote in 1878, and in the Anti-Monopoly Party of 1882 the element of Greenbackism was practically negligible.

[17] The most convenient collection of election statistics is found in the Nebraska Blue Book, 1918, pp. 437–506. Unfortunately many errors characterize this publication, but the election returns are generally quite accurate. The returns for the even-numbered years are published in the journals of the state legislature and are preferable. For the other elections the Blue Book is the most available.

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The Independent Party of Nebraska was the form taken by the revolt in that state. The factors which united in producing that revolt were not altogether national. A complex group of local conditions were of considerable significance. The more important factors were the transportation difficulties, the currency situation, the prices and marketing of farm products, the prevalence of credit and mortgages, a belief that the dominant parties were controlled by the railroads, and the crisis produced by the drouth of 1890.

The most obvious fact about the rainfall and the political revolt of 1890 is that the latter occurred in the year of lowest rainfall up to that time since 1875. The following year was characterized by a very heavy precipitation and by a large Independent vote. The Independent vote in 1892 and 1893 was as large proportionally as in 1890, although the rainfall was normal in the former and below normal in the latter. With fusion of the Democrats and Populists in 1894 and a more serious drouth than in 1890 the Republicans were defeated, but not overwhelmingly. Looking at the problem from this viewpoint one might conclude that the concurrence of the Independent vote of 1890 and the drouth was merely a coincidence.

Such a summary would be superficial if one stopped there. It is necessary to consider the rainfall and the voting in the various sections of the state. By consulting map III it will be observed that the Independent vote was comparatively light in the eastern portion of the state which belongs to the central lowlands and in which the rainfall is more plentiful. Although the divisions of the state used by the Weather Bureau do not conform to the geological and agricultural divisions, nevertheless, in the eastern portion the conformity is sufficient to indicate that the rainfall of this region, while below normal, was not sufficiently low as to cause disaster. Accounts in the newspapers substantiate this conclusion.[18]

[18] *The Farmers' Alliance*, official organ of the farmers' movement, gave much attention to the drouth. The *Nebraska State Journal*, conservative republican paper, in common with many other papers refused to consider the drouth as more than politics, but in its issue of August 17, 1890 it gave a crop report covering much of the state. It was beginning to recognize the severity of the drouth.

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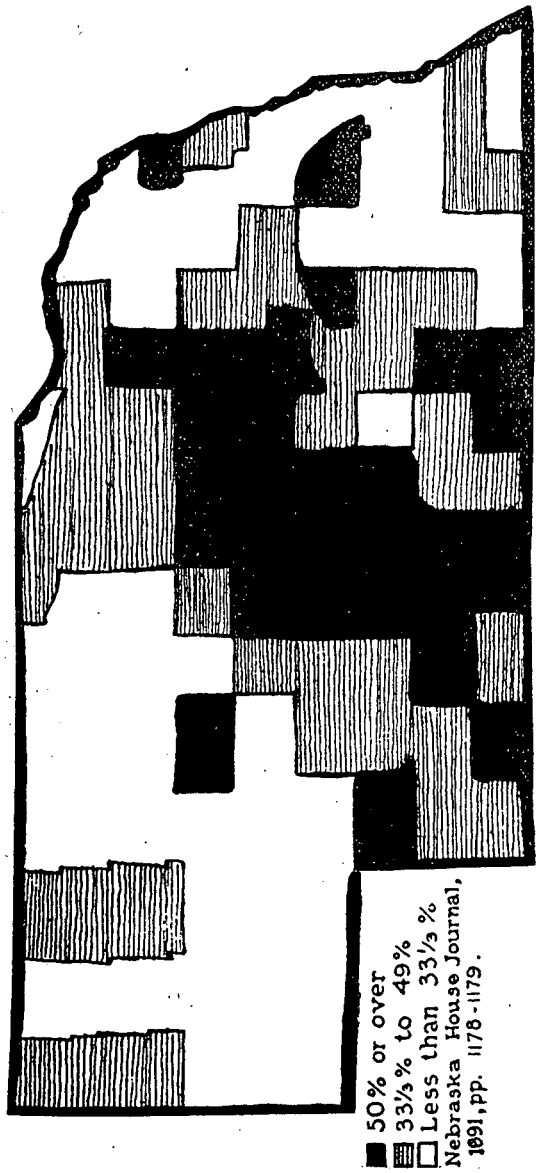

MAP III. INDEPENDENT VOTE FOR GOVERNOR IN ELECTION OF 1890. (PERCENTAGE OF TOTAL)

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The portion of the state in which the Independent vote was largest lies to the west of this section and extends diagonally across the state from north-east to south-west. It is largely an agricultural region of less advantages than the eastern portion, and one of less rainfall, the annual average varying from eighteen inches in the south-west to twenty-eight inches in the eastern portions. It is in this region that a falling-off of precipitation has serious results, because its normal amount is not much above that required for agricultural purposes. The rainfall in this region in 1890 dropped below this level, especially in the south-west. It was largely here that the new settlers went during the eighties. They engaged in farming according to the methods used in more favorable regions and many of them were in debt for land, stock, or equipment. The annual rainfall following 1889, and excepting 1891, would seem to indicate that they had pushed too far into the drier regions, which are chiefly fitted for grazing or for farming with the aid of irrigation. The failure of rainfall in this region in 1890 would seem then to be one of the major causes of the political revolt.

Still farther west is a region less fitted for agriculture. Grazing is more important than farming except in favored localities in river valleys, and in irrigated sections. Here the rainfall in 1890 was very low but the decrease was not so great proportionally. Much of the aid expended by the relief committee and probably much of the suffering and hardships were in this section.

When the voting of this region is considered it is noticeable that the eastern portions of it gave a large vote to the Independents, which would seem to substantiate the conclusion reached in regard to the preceding section, that the lack of rainfall in that region where settlement had pushed beyond the safe agricultural limit into the drier section, was an important factor in the Independent movement.

In the remainder of the west the farmers were proportionally less numerous and the Independent vote was less than thirty-three and one-third per cent, except in Sioux, Sheridan, and Hooker counties. The lack of rainfall was not as serious in its effects upon the wild grasses of the range country as upon the crops of the

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cultivated regions. The Independent movement, being so closely connected with the Farmers' Alliance, was a farmer's and not a rancher's movement. Other factors, such as the dependence of the remote regions upon the railroads, enter into the situation.

The significance of the lack of rainfall and the hot winds which accompanied it may be briefly summarized. In the eastern region where the drouth was not so severe, and in the western regions where grazing was more important than farming, and the drouth, though severe, did not prove so damaging to the cattle industry, the Independent vote was lighter. Where the new settlers had pushed beyond the safe agricultural region into the drier country the Independent vote was heaviest. In the southwest portion of the state the drouth seems to have been the most severe, and in the remainder of this region it probably affected a larger percentage of voters than in the less affected region to the east or the western region where the farmers were a less numerous factor in the population. We may conclude that the drouth was one of the significant local causes affecting the Independent movement.

Before leaving the question a further qualification is necessary. Political action was discussed at the annual meeting of the Farmers' Alliance held in January 1890, and again at a meeting of the state officers and representatives from each county held in May. At the latter meeting it was decided that petitions should be circulated and, if the response should warrant, a state convention would be called. In thirty days fifteen thousand voters signed the petitions and on June 28 a call was issued for a convention to nominate a state ticket. The convention met July 29. The election was held November 4.

The effect of the drouth was not felt until the month of July and its severity was not recognized until the latter part of that month. Its blighting effect was a matter of record before the election.

Comparing the time elements it is obvious that other factors than the drouth were responsible for the resort to politics, for political action was decided upon before the drouth. But its effect was in ample time to exert a strong influence in the casting

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of the votes in 1890. To suggest that the farmer held the politician responsible for the shortage of rainfall would be an unwarranted exaggeration of the thoughtlessness of the voters. But it is quite another matter to suggest that the drouth in Nebraska made a bad set of agricultural conditions worse and that the politicians were held responsible for some of the conditions. Perhaps some held them responsible for most of them. The situation of many farmers forced them to think about the things that had brought about that situation. This contemplation resulted in a determination to remedy such matters as lay within their power. They could not make it rain, but they thought they could lower railroad rates. While the various factors may not be discussed here, the railroad situation will serve to illustrate the perspective. The farmers were already incensed at the treatment they were receiving from the railroads. The drouth not merely made the economic position of the farmer temporarily worse, but it put him in a receptive frame of mind for the arguments of the Independent leaders. There would have been an Independent Party in Nebraska in 1890 regardless of the rainfall, but the results of the election of 1890 were due, not merely to bad economic, political and social conditions, but to these conditions made worse by the drouth. The close coincidence between the lack of rainfall and the Independent vote makes it impossible to dismiss the relationship as a mere coincidence.[19] In estimating the factors which produced Populism the item of rainfall must not be omitted.

[19] A brief survey of Kansas and South Dakota seems to substantiate the conclusion reached in regard to Nebraska. The situation in South Dakota appears to have been very similar. In Kansas the Independent vote was more wide-spread than in Nebraska or South Dakota. The area where the Independent vote was the largest percentage of the total corresponds with similar areas in Nebraska and South Dakota.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Amendments to State Constitutions 1923-24. During the years 1923 and 1924, 214 amendments to state constitutions were submitted to the electors, 20 in 1923 and 194 in 1924. The latter includes the attempt at substantial revision of the Missouri constitution in the special election of February 26, 1924. Of these amendments, 99 were approved and 115 failed. Eight of the proposals were submitted by petition under the initiative, the remainder being referred after legislative action. The largest number of amendments voted on in one state was fifty-one in South Carolina. There were twenty-six in Missouri. California, as usual, stood high in the list with fifteen. Louisana had thirteen. The other states submitted fewer than ten amendments.

There were twenty-nine proposed amendments awaiting action of the 1925 legislatures. Of these, eight were in Pennsylvania. In four states, proposals to call constitutional conventions were defeated by substantial majorities,—in New Hampshire, Pennsylvania, South Dakota and Tennessee. A similar proposal in Virginia, in 1922, was also overwhelmingly defeated.

The Missouri situation has already been commented upon in a previous number of the REVIEW.[1] Fifteen out of the twenty-one amendments submitted by the constitutional convention at the special election on February 26, 1924 were rejected. The only important amendment ratified dealt with the suffrage, striking out the provision permitting declarants to vote, and regulating registration in cities over ten thousand. At the regular election in 1924, however, the proposal to consolidate the city and county of St. Louis was ratified.

Most of the South Carolina proposed amendments were to exempt various local governments from limitations on bonded indebtedness, which were defeated by a consistent majority. However, the four measures which were approved were of considerable importance. The legislative session was changed from annual to biennial. Three other amendments changed the term of the governor, attorney general and

[1] 18 *American Political Science Review*, 329 (May 1924).

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other state officers from two to four years. On the seven measures of major importance the voting was close, the change to four-year terms being carried by a few hundred votes.

In Vermont the four proposals accepted by the legislatures of 1921 and 1923, out of the nine suggested by the special commission of 1919, were all adopted with little opposition. However, only 17,642 persons voted at the special election of March 4, 1924 in contrast with 102,565 votes cast for the presidential candidates in November.[2]

As usual, most of the amendments dealt either with taxation or the structure of government. Nineteen amendments dealt with various aspects of taxation, twenty-eight with state government and twenty-two with local government. Suffrage requirements were voted upon in ten states and ten states also proposed soldiers' bonus, the exemption of veterans of the world war from a poll tax, or, in Texas, confederate pensions. The provision for a bond issue of $35,000,000 for soldiers' bonus in Pennsylvania appears to have been omitted from the ballot in error. Oklahoma adopted a proposition to extend its bonus to women who have been in war service. In New York the proposition for a $45,000,000 bond issue for soldiers' bonus was carried by a large majority in 1923. The Oklahoma bond issue of $25,000,000, however, was defeated the same year, as was the Montana proposal in 1924.

In the field of taxation, California exempted airports or aviation fields from taxation and exempted all district improvement bonds. The amendment providing a general tax system for the state carried despite the failure of the proposition to extend the classified property tax to intangibles. Kansas ratified a provision for the classification of mineral products and intangible property, which has been made effective by the present legislature.

The proposal for an income tax in Michigan was overwhelmingly rejected at the special election on April 2, 1923. Florida adopted an amendment prohibiting income and inheritance taxes.

Motor vehicles continue to provide constitutional problems. Minnesota ratified the amendment authorizing a gasoline tax for state highway purposes by a vote of nearly three to one. Missouri, however, failed to accept a proposed change in the taxation of motor vehicles.

The extension of further rights to women was continued in Massachusetts, by the adoption, by a substantial majority, of two amendments, to enable women to hold public office and conferring full

[2] See the discussion by E. C. Mower, 17 *American Political Science Review*, 72 (Feb. 1923).

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civil rights on women. In the suffrage field, Oregon approved the requirement of educational qualifications.

For highways, the chief provisions concerned issuance of bonds or additional taxation, the most important being the $100,000,000 highway bond issue authorized in Pennsylvania in 1923.[3] Others were of minor importance.

Georgia, as well as South Carolina, voted to change from annual to biennial sessions of the legislature. Another important amendment in this field was the initiated proposal in Oklahoma, ratified at the special election of October 2, 1923, which authorized the legislature to meet without call by the governor for the purpose of impeaching public officials, and under which Governor Walton was impeached. Three attempts were made to increase the compensation of legislators, California ratifying and Missouri and Washington defeating the proposals. Changes in methods of legislative apportionment were defeated in three states, Arizona, Missouri and North Carolina, but adopted in Vermont.

Among the interesting subjects may be classed the Pennsylvania action in 1923, whereby the constitutional provision against the granting of free passes by public carriers was changed to exempt clergymen.

Further restriction of the rights of aliens was voted in Nevada. Hitherto the Nevada constitution has specifically guaranteed to foreigners, who were bona fide residents of the state, the same rights as native-born citizens in respect to the possession and inheritance of property. This provision was stricken out by a vote of 6,280 to 6,249.

Among the various amendments dealing with the structure of state government, increase in the number of members of the supreme court was voted in Arkansas but rejected in Missouri. On the whole, public sentiment appeared to be against structural changes, only seven out of twenty proposals being adopted. Colorado refused to create a state printer. Missouri refused to abolish the state board of equalization and New Mexico rejected the proposition fixing at four years the term of state office. Minnesota, however, ratified the proposals providing for a program of reforestation. The proposal that the state own and operate grain elevators was defeated in that state by a narrow margin.

Home rule for cities was adopted by two more states, New York and Wisconsin. The New York provision appears to be the most sweeping

[3] In Illinois a $100,000,000 bond issue was approved on referendum in 1924, under the present constitution. In Virginia a proposed bond issue of $50,000.000 for roads was defeated in 1923.

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grant of local self-government yet conferred upon cities. The Wisconsin provision applies to villages as well as to cities.

In the field of special incorporated districts, Michigan, in 1923, authorized the incorporation of ports and port districts, with the intention, apparently, of pursuing the same methods as Oregon and Washington for the development of water terminal facilities.

Many other propositions were submitted to the voters by initiative or referendum. Probably the most important of these, in its effect, was the referendum in Massachusetts on the question of ratification of the child labor amendment to the federal constitution. It was defeated, 697,563 against; 241,461 for. While the vote was advisory only, 939,024 of the 1,213,396 voters recorded themselves thereon.[4]

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Merit Systems of Civil Service in the States. Of the two million civil service employees in the United States, about one-third are working under the merit systems of the national, state, and local governments. Until the last decade, merit systems had made but little progress in the various state services, as compared with the advances that were made in the national government and in the municipalities. Although New York established the merit plan within four months after the enactment of the national Civil Service Law of January 16, 1883, and Massachusetts followed suit the next year, no other state did so until 1905 when Wisconsin inaugurated the plan. During the next two decades, however, this movement advanced appreciably. Eight other states have adopted state civil service laws; and from time to time the state laws have been extended and improved, until there were eleven state, three county, and 233 city civil service commissions. Two of these state commissions have subsequently been abandoned.[1]

[4] For a comprehensive discussion of the initiative and referendum features of the 1923–24 elections see *Bulletin* 97, National Popular Government League, February 1, 1925, edited by Judson King. See also table of notes in constitutional amendments and other measures submitted to popular vote in 1924, in *Political Science Quarterly*, Supplement for March, 1925.

[1] The states adopted the merit system in this order: New York, 1883; Massachusetts, 1884; Wisconsin, 1905; New Jersey, 1908; Illinois, 1905, extended 1911; Colorado, 1912; Ohio, California, Connecticut, 1913; Kansas, 1915; Maryland 1905, extended 1920. The Connecticut Civil Service Commission was abolished by legislative act in 1919. The Kansas Legislature of 1921 failed to appropriate for the state commission, so that the merit system of Kansas ceased to function

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The state civil service commissions have been classified, according to the legal conditions of control, into three categories. The first class includes those that recruit and control employees for the state government only, as in the case of California, Colorado, Illinois, and Wisconsin, and for a time Connecticut and Kansas; second, commissions that recruit and control employees for the state government and also for the municipal governments and other subdivisions of the states. Massachusetts, New Jersey, and Maryland are included in this list, the Massachusetts commission functioning in cities, while the Maryland and New Jersey commissions have jurisdiction over any of the state's subdivisions, whether municipal or county, which have adopted the act. Third, commissions that recruit and control employees for the state government, including the counties, and also have the power to investigate and to supervise the administration of the civil service law in the various political subdivisions of the states. New York and Ohio are in this class.[2]

Municipal civil service commissions are made mandatory by constitutional provisions or by statute in New York and Ohio, and are subject to supervision by the state commission, but they do not constitute a technical part of the state civil service. The Massachusetts commission has jurisdiction over thirty-five cities.

The recent development of the merit system of civil service in the states and the effect of that development on other states may be indicated by various state constitutional amendments, legislative acts, governors' messages, reports of civil service commissions, and unofficial studies. The problems which have enlisted most study include those pertaining to publicity, recruitment, standardization and classification of positions, efficiency ratings, compensation, education, recreation, promotion, transfers, and retirement.

Constitutional Amendments. The 1894 Constitution of New York (Art. V, Par. 9) stipulates that "appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive." Almost in these words, this same

in 1922; leaving only nine states maintaining the merit plan. The county commissions are those of Los Angeles, Milwaukee, and Cook County (Chicago).

[2] Procter, A. W., *Principles of Public Personnel Administration*, p. 195. A similar classification of the municipal civil service commissions is given on pp. 196–200.

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principle was expressed in an amendment to the Ohio Constitution in 1912. Colorado, in November, 1918, adopted a constitutional amendment providing for the merit system of civil service which the state supreme court has decided is self-executing. This amendment was adopted by popular initiative and was the culmination of a long struggle, as previous efforts had been made ineffective by the interpretation of the courts or by the legislatures in withholding appropriations.[3]

The Colorado amendment provides that: "Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service of the State shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person ascertained to be the most fit and of the highest excellence to be first appointed. All appointees shall be qualified electors of the State of Colorado, except for those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which cases competitive tests need not be limited to qualified electors and may be held without the State."

In addition, the Colorado amendment contains so much detail pertaining to the merit system that it might well serve as a statute or even as an administrative ordinance. Thus, standardization of the service is required by the requirement that the personnel "shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after opportunity to be heard." All appointive public offices and employees are included in the classified civil service, excepting judges of courts and their clerical assistants, persons appointed to perform judicial functions, receivers, jurors, members of boards and commissions, who are appointed by the Governor and who serve without pay, members

[3] For a discussion of the constitutional basis of state civil service, see Dr. Ben A. Arneson: *Constitutionality of Merit System Legislation*, in American Political Science Review, XIII, (1919) pp. 593–606. The theory, principles and practice of state civil service organizations is treated fully in B. F. Wright's monograph on *The Merit System in American States with special reference to Texas*, University of Texas Bulletin No. 2305, (1923), pp. 1–114. On the general position of "The Civil Service in the Modern State," see article by Herman Finer in the *American Political Science Review*, XIX, 277 (1925).

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of certain other commissions, the Governor's confidential employees, appointees to fill vacancies in elective offices, educators, and employees of the legislature.

The amendment further stipulates that a state civil service commission shall be established by law to consist of three members, appointed by the governor for six-year terms. The commissioners "shall be persons of known devotion to the merit system." The commission is granted power over the alteration and rescission of rules, "the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service and the determination of the grades of all positions in the classified service."

At the legislative session of 1919 the amendment was put in operation, the commissioners were given salaries of three thousand dollars a year, and were authorized to "subpoena witnesses, administer oaths, compel the testimony of witnesses, and the production of books, papers, and records relevant to such inquiry." Applicants for examination pay the commission one dollar and all such fees are paid into the state treasury daily. The eligible lists and the minutes of the proceedings of the commission are to be kept open to public inspection at all reasonable times.[4]

The report of the Pennsylvania Commission on Constitutional Amendment and Revision to the 1920 legislature recommended a provision similar to that in New York and Ohio, that "appointments and promotions in the civil service of the State government and of municipalities shall be according to merit and fitness to be ascertained, so far as practicable, by competitive examination."

Statutes. The merit system was considerably extended in Massachusetts, when the 1918 legislature provided public hearings for civil service employees who were subject to transfer, reduction or removal, this law applying to policemen.[5] In 1919, cities and towns were authorized to make appointments and promotions in the police forces on the basis of competitive civil service examinations only, except in case of emergency appointments; and all "appointments to the position of assistant registrar of voters in Boston for regular and permanent assignment to work in the office of the election department" were also subjected to civil service regulations.[6] In the same year the former civil

[4] Colorado *Session Laws* (1919) p. 143.
[5] Massachusetts *Acts* (1918) p. 131.
[6] *Ibid.* (1919) Chaps. 349–350.

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service commission was abolished, and a new department of civil service and registration was established, with a commissioner and two associate commissioners for the division of civil service. During the following year, an unique provision was enacted which demanded that the "application of a citizen of the commonwealth for employment in any department of the commonwealth or of any political division thereof or in any department of a street railway company," that was aided by the state, should "not be affected by the applicant's national origin, race or color."[7]

Efficiency records were provided in 1918 for the New Jersey civil service commission, to be used "as a basis for the determination of the relative efficiency of the candidates seeking promotion to the higher grades of the service." The commission is authorized "to prepare classifications and suggest standards of salaries or wages to be paid officers and employees filling offices, positions and employments in the classified civil service of the several counties and municipalities which have adopted the provisions of the Civil Service Act. Such classification and salary standardization shall provide definite specifications and standards of services, grades, duties, qualifications, titles and definite regulations governing increase of compensation or rates of wages based upon length of service, meritorious action and efficiency, lines of promotion through the different grades of each of the services, and other matters which will aid the separate governments in establishing uniformity and modern business methods in public employment."

The commission may also "establish official Civil Service Personnel Committees for each class of service in the State Departments, consisting of departmental officials and bureau and other administrative aids, as designated by the heads of departments, boards, commissions and institutions, which committees shall meet with, advise and suggest to the State Civil Service Commission such changes or additions in the specifications for personal service as may be found necessary and practicable, and on the schedules of compensation or rates of wages for the offices, positions and employments in the State classified service as adopted by the State Civil Service Commission."

Another auxiliary was provided in the creation, under the jurisdiction of the commission, of the bureau of personnel service, standards and records. The function of this bureau is to "collect and analyze information and data on the work requirements, duties, responsibilities, qualifications and tenure of incumbents of offices, positions and employ-

[7] *Ibid.*, (1920) pp. 347, 492, 528, 518.

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ments within the state classified service, with a view to maintain and keep up-to-date the classification schedules and standard specifications of services, grades, titles, duties, qualifications and compensation or rates of wages for such offices, positions, and employments; to appraise the value of such duties and services; to develop and maintain efficiency standards and records, and coöperate with administrative officials in maintaining such efficiency records; to render possible definite proof of meritorious service for use in supervisional control and in recommending advancement and promotion of officers and employees, and to furnish expert aid to legislative and departmental officials on matters relating to employment, departmental organization and administrative management."[8]

From the jurisdiction of this personnel organization was exempted certain classes of officers, such as those elected by popular vote or appointed by the governor, the legislative employees, law officers and teachers. In 1919, however, the accountants and auditors of the comptroller of the treasury were placed under the supervision of the commission.[9] In 1920 the office of county adjuster was classified, and the commission was empowered to publish in the newspapers "notices containing the names and locations of such educational institutions as shall provide and conduct classes or courses in subjects pertaining to public service."[10]

In Maryland the 1920 legislature enacted a merit system law, administered by a state employment commissioner who is appointed by the governor for a term of six years with a salary of five thousand dollars a year. He is removable by the governor for neglect of duty. The Maryland commissioner's duties are elaborate and they are at once executive, quasi-legislative and quasi-judicial.[11] He designates examiners to conduct competitive examinations, and he controls the examinations which for some positions may take the form of mechanical demonstrations. Previous experience and education may be accepted as a part of the examination if the commissioner so desires. From the list of eligibles vacancies are filled by the appointing powers.

The commissioner establishes classes of state civil service employees and classifies all of the positions that are in the classified civil service.

[8] New Jersey Session Laws (1918) pp. 94–95, 158–159, 245, 776.
[9] *Ibid.* (1919) pp. 361–362.
[10] *Ibid.* (1920) pp. 181, 370, 331.
[11] Fred Telford, "The One Man Civil Service Commission in Maryland," National Municipal Review, XII, No. 7 (1923) pp. 358–362.

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Whenever necessary he must "establish additional classes and classify therein new positions created, and may combine, alter or abolish existing classes. Each such class shall embrace all positions similar in respect to the duties and responsibilities appertaining thereto and the qualifications required for the fulfillment thereof and shall be given a classification title indicative of the character and rank of the employment. The classification title thus prescribed shall be observed in all records and communications of the commissioner, comptroller and treasurer. Employees shall assume the classification titles of their respective positions. Any change in the duties of a position, if material, shall operate to abolish it and create a new position which shall be classified."

He must by rule prescribe standards of performance for positions and he "may prescribe the form and scope of the records that the appointing authorities shall keep of the actual performances, output, and conduct of employees as a basis for the determination of the efficiency of such employees." He must recommend to the governor schedules of compensation for each class of employees and must report "to the governor the rates being paid for similar services elsewhere, in public and private service, together with other information pertaining to a proper rate of compensation."

Transfers of employees are regulated by the commissioner, but "no employee shall be transferred from a position in one department to a position in another department without the consent of the respective appointing authorities" and "no employee shall be transferred from a position in one class to a position in a different class whether in the same or in a different department" unless it be either as a promotion or as a demotion. Vacancies are to be "filled by promotion as far as is consistent with the best interests of the classified service in the judgment of the commission" and "an employee may be permanently separated from the classified service through resignation, rejection on probation, or removal, and may be temporarily separated through layoff, suspension, or leave of absence."

The governor in his discretion may place certain offices in the classified civil service, whereupon such positions can not be removed from the classified service except by an act of the legislature, but emergency appointments may be made for a limited period to prevent the cessation of business.

With the approval of the governor the commissioner may prescribe rules for the government of the service and such rules have the effect

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of law. When charges are brought against a civil servant, the commissioner may adjudicate the case. Any municipality or county of Maryland that adopts the merit system of public service may avail itself of the facilities of the commissioner.[12]

New York made competitive the positions of chief game protector, deputy game protector and inspectors in 1920. The directorship of the state psychiatric institution was made appointive after a special civil service examination. The state civil rights law was amended by the provision that "a citizen shall not be deprived of the right to appeal to the legislature, or to any public officer, board, commission or other public body, for the redress of grievances, on account of employment in the civil service of the state or any of its civil divisions or cities." Protection for the personnel was further extended in the pronouncement that whenever a position in the competitive service is abolished the employee shall be considered suspended without pay, and shall be entitled to reinstatement in a similar position in case of a vacancy within two years.[13] In 1922 New York provided for promotion within the competitive class of positions.

Between 1919 and 1925 several states enacted laws pertaining to special phases of the civil service. For instance, the Illinois legislature of 1919 exempted from the classified service fourteen different classes of state employees.[14] Wisconsin promulgated a broad principle in 1919 by enacting that "the civil service commission may, through special action, open competitive examinations to residents of other states who are citizens of the United States and who have fulfilled" certain preliminary requirements.[15] Kansas in 1921 modified the inclusion of positions in the unclassified service.[16] Ohio provided, in 1921, for the transfer of civil service employees from former positions under the Administrative Code to corresponding positions that were created by the reorganization of the state administration.[17] Arkansas enacted in 1921, that "sex shall not be a bar to the holding of any public or civil office" in the state and asserted that the act was "necessary for the immediate preservation of the public peace."[18] The 1921

[12] Maryland *Session Laws* (1920) Ch. 41, pp. 75–89.
[13] New York *Session Laws* (1920) pp. 574, 492, 498.
[14] Illinois *Session Laws* (1919) p. 291.
[15] Wisconsin *Session Laws* (1919) p. 177.
[16] Kansas *Session Laws* (1921) p. 440.
[17] Ohio *Legislative Acts* (1921) pp. 132–133.
[18] Acts of Arkansas (1921) pp. 65–66.

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legislature of Hawaii enacted that no person "who is an attorney at law licensed to practice in any court of the territory" shall be eligible to service as a member of the Honolulu civil service commission.[19]

In 1922 the legislature of New Jersey directed the civil service commission to classify positions with standardized remunerations for persons who fill "employments jointly under two or more boards of chosen freeholders of counties," which have adopted the provisions of the civil service act. These classifications shall provide particularly for all "matters which will aid the separate governments in establishing uniformity and modern business methods in public employment and to further strengthen and simplify civil service administration through the State."[20] When these classifications are filed with the clerks of the boards of chosen freeholders, they shall be binding upon such boards.

A civil service commission for cities of the first class that had not been operating under the general law (Boise) was provided by the 1923 legislature of Idaho.[21]

Certain administrative improvements have been urged for the civil service of the Philippines, and vigorous efforts have been made for the adoption of the merit system in several other states, especially in Pennsylvania, Kentucky, Arkansas, Arizona, New Mexico, Nebraska, Minnesota, and North Dakota. In some of these states the governors have been particularly aggressive toward these ends.

In 1924 the legislative assembly of the British colony of Barbados passed "an act to establish a graded and incremental system for the employment and remuneration of the public officers forming the clerical staff of the civil service."

Governor's Messages. Several governors have given consideration to state civil service in their messages to their respective legislatures. In 1917, Governor Martin S. Brumbaugh of Pennsylvania declared that until "we have this means of securing dependable and continuous public service we shall not be able to conduct the public business as wisely as its importance requires. Too much of the time of the Executive is taken up with the claims and demands of office seekers. It were better to have this time for constructive service, leaving it to some capable agency created by law to secure the best agents for the public service."

[19] Territory of Hawaii *Session Laws* (1921) p. 177.
[20] New Jersey *Session Laws* (1922) p. 200.
[21] Idaho, *Session Laws* (1923) Ch. 128.

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Governor Walter E. Edge of New Jersey recommended on January 8, 1918, "a merit system that will sturdily withstand all corrupting influences. The legislation should be broad enough to encourage efficiency in state service by providing an equal opportunity for all." The governor desired that such legislation should conform to the report of the civil service commission. In 1919, Governor William P. Hobby of Texas recommended the creation of a state civil service commission with extensive administrative jurisdiction. Governor Oliver H. Shoup of Colorado, in his inaugural address of January 14, 1919, recommended the "enactment of a law establishing a Civil Service Commission and enforcing the provision of the Constitutional Amendment concerning civil service, adopted at the recent election."

In his message of January 7, 1920, Governor Alfred E. Smith of New York suggested that where new positions are created "to take charge of new activities," that fancy titles be not given to those positions which give rise to contentions and that seek "to have the place exempted from competitive service."

Governor Everett J. Lake of Connecticut stated in his inaugural message of 1921 that Connecticut had a civil service law which was "unsound in its basic principles, and self annulling in its actual operation." He, therefore, would have the act repealed or amended "in such a way that it would be workable and effective." Governor Thomas C. McRae of Arkansas stated, in his inaugural address of 1921, that the "practical way to purify politics in this state is to place beyond the reach of political machines the great spoils system now represented by the different commissions in this state." Governor S. R. McKelvie of Nebraska recommended in 1922 that a system of limited civil service be adopted for the administrative code departments.

In 1923 Governor A. J. Groesbeck of Michigan suggested both a merit system and an eight-hour day law for state employees. In Colorado the administration of the Colorado civil service law was severely condemned by Governor Sweet in his message to the 1923 legislature in which he recommended the repeal of the law, but apparently the major defects of the system were subsequently corrected to his satisfaction.

A recent article in the *National Municipal Review*,[22] by H. W. Dodds, discusses the actions of Governor Pinchot of Pennsylvania in relation to the merit system in that state.

Reports of Commissions. The New Jersey state civil service investigation committee reported to the legislature in 1917 recommending

[22] Vol. XIV, 220 (April, 1925.)

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that the commission be reorganized so as to be composed of three members appointed by the governor for a term of three years, the president of the commission to receive $5,000 a year and devote his entire time to the work of his office, and no member of the commission to hold any office in any political organization.

Some of the recommendations of the committee were later enforced by a report on classification and salary standardization of the personnel service of the state. This was prepared by J. L. Jacobs and Company of Chicago at the request of the New Jersey state civil service commission. The recommendations purposed to "have the effect of (1) stabilizing employment within departments; (2) reducing labor turnovers; (3) increasing the attractiveness of public service to a high grade of workers; and (4) increasing the workers' incentive for efficient service."

The report recommended "that the Legislature recognize the principle of uniform compensation and salary advancement, based on meritorious service and seniority, for all offices, positions and employments in the State Classified Civil Service, having substantially similar duties, responsibilities and work requirements;" that the civil service commission have "the power to establish and maintain the classification, schedules and standard specifications of services, grades, titles, duties, responsibilities, qualification requirements and lines of promotion for all offices" that are in the classified service and that a bureau of personnel service standards and records be created under the jurisdiction of the civil service commission; that civil service personnel committees be established "consisting of departmental officials and bureau and other administrative aids as designated by the heads of departments, institutions or commissions," to assist the civil service commission in enforcing the law and the rules; that "the Legislature pass an act providing for the establishment of free training courses in public service administration for present and prospective employees in the State, county and municipal service;" and that "consideration be given to the establishment of a scientific pension system for all employees in the public service within the State."[23]

Since the merit system was established in Ohio in 1912, various efforts have been directed toward making its operation more efficient. The civil service commission of 1917 approved a plan for classification and standardization of the Ohio state service. The commission reported in 1918 that all the positions in the state service had been

[23] Report on the Classification and Standardization of the Personnel Service in the New Jersey State Government (1917) p. 7.

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"classified and graded according to vocation, function, degree of responsibility and difficulty." Requirements for promotion within the service as well as entrance thereto had been standardized and applied in practice. Salary schedules had been "established through legislative enactment, covering all groups of the clerical service and the engineer group of the professional and scientific service." In the budget, appropriate and descriptive titles had been applied to all of the classified positions. An organization of trained civil service workers had been realized and were to be retained from year to year. Information concerning the duties of the various positions had been made available to every citizen of the state.

That this plan had encountered formidable obstacles during the succeeding year is suggested in the commission's assertion that the "fundamental difficulty that confronts every civil service commission is not that of devising means to discover ability as satisfactorily as it can be discovered beforehand by any employing organization, but that of securing coöperation of appointing officers generally, and avoiding anatagonisms frequently arising out of attempts to avoid the use of material recruited by the Commission, and to appoint persons without regard to the law."[24]

A report on the Ohio state civil service commission, submitted to the joint legislative committee on administrative reorganization in 1920,[25] indicated wherein the commission was not operating "in accord with the generally accepted principles of employment agencies in private business" and was "not properly functioning on a basis of existing laws." It proposed a reorganization of the civil service commission into two divisions: administrative and examining. The administrative division would be subdivided into a publicity bureau and a record bureau. The examining division would embrace an examining bureau and a bureau of classification. The legislature was urged to amend the law so as to "take the labor service from civil service jurisdiction; include a schedule of salary standards and rates in the classification; eliminate the veteran preference clause from the present law; and from future law; make investigations of charges leading to dismissal, prior to the act of discharge, rather than after; make the civil service commission the clearing agency for civil service matters in the state."

[24] Sixth Annual Report of the state Civil Service Commission of Ohio (1918) pp. 4–5.

[25] This report was prepared by Dr. L. D. Upson, of the Detroit Bureau of Government Research, and Mr. Harrington Place.

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The commission was urged to "revise the classification and specifications; develop a system of service records and ratings; . . . . keep eligible lists cleared on the basis of availability for employment by the state or the counties; prepare a census of state and county employees under its jurisdiction." Since personal service "represents about one third of the state budget, and the civil service commission has more data relevant to personal service than any other state agency," it was recommended that the commission be given "ample opportunity to be heard in the preparation of budgetary requests for personal service, before both the governor and joint legislative committee on budget." It was suggested that the public service could be made more attractive as a vocation not only by adequate salary and tenure of office, but also by adequate opportunity for recreation, personal improvement, promotion, and by pension funds.

In harmony with these suggestions the examination division and the efficiency division were combined in 1920, and placed under the supervision of the assistant chief examiner. The commission reports its opinion that "the Army Psychological Test in the present form is useless for general practical purposes, but that it is the beginning of the practical application of psychology which will eventually result in the formulation of tests and methods for the discovery of certain definite qualities which may be set up as constituting essential elements in the fitness of individuals for certain lines of work.[26]

The California civil service commission recommended in 1918 that the Civil Service Act be amended so as to include the employees of the railroad commission and it "earnestly recommended that there be submitted to the voters" of California "a constitutional amendment incorporating the essential principles of the Civil Service Law, providing for its administration and enforcement, and making it applicable to all departments of the state government, to the end that civil service may be placed beyond attack and in no manner overthrown, and that the people themselves may have opportunity to safeguard and protect this principle of government.[27]

The Virginia commission on economy and efficiency recommended in 1918 "that the General Assembly enact legislation to establish a civil

[26] Eighth Annual Report of the State Civil Service Commission of Ohio (1920) p. 5.

[27] Third Biennial Report of the California State Civil Service Commission (1918) p. 9.

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service system to apply to all State departments, institutions, and agencies."[28]

The reconstruction commission of New York recommended in 1919 that all positions in the department of audit and control, below the deputies, be classified in the competitive service unless they were of a confidential nature.[29] In the 1920 report of the New York civil service commission, statistics as to the need of the merit system showed that there were 68,677 persons in the state who occupied positions that were "considered as coming within the range of competitive examinations and receive pay for personal service in state, city, county, and village employ" excluding "elective and higher appointive officers, teachers, and manual laborers."[30] This is about one in every 100 of wage-earning age.

Some of the activities of the commissions have been unique. In 1918, the Connecticut commission coöperated with the state bank department in securing qualified persons to take positions in the banks.[31] The Massachusetts commission held an examination in 1919 for blind dictaphone operators.[32] In 1920, it introduced the practice of giving oral examinations "to determine the personality and fitness of applicants for positions where personality is an important factor;"[33] and the results obtained were so satisfactory that the practice was continued.

By amendment to the civil service rules and to the commissioner's official rulings, the merit system was further extended in Massachusetts.[34] All women laborers employed in the departments of the Commonwealth were placed under the civil service. In July 1920, the commissioner ruled that "the clerks and stenographers employed in the registries of probate and paid by the commonwealth were under civil service, and the attorney-general has recently given an opinion which sustains this ruling. This brings under civil service for the first time about one hundred positions in counties. All further appointments must be made after examination and certification from the civil service lists. For many years the civil service commission has recom-

[28] Report of the Virginia Commission on Economy and Efficiency, (1918) p. 43.

[29] Report of the New York Reconstruction Commission on Retrenchment and Reorganization in the State Government (1918) p. 15.

[30] New York Civil Service Commission Report (1920) pp. 9–10.

[31] Fourth Report of the Connecticut State Civil Service Commission (1918) p. 6.

[32] Thirty-sixth Annual Report of the Civil Service Commission of Massachusetts, (1919) p. 16.

[33] Annual Report, Commissioner of Civil Service of Massachusetts, (1921) p. 9.

[34] *Ibid.*, p. 11.

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mended to the legislature the classification of all county employees, and bills have been presented but have not passed," and the commissioner declares that "there seems to be no good reason why all county positions should not be under civil service as well as State and municipal positions."[35]

The matter of transfer from one bureau to another was determined in the Philippine Islands in 1918, when the Governor General authorized the chiefs of bureaus to refuse permission to employees to seek such transfers, but the chiefs may allow transfers if no change in salary is involved.[36] The following year Director Angell, of the civil service, reminded the chiefs of bureaus that "no person in the Philippine civil service shall use his official authority or official influence to coerce the political action of any other person or body."[37]

In their first annual report, the civil service commission for Ontario stated that it is "anticipated that a classification of the Service, based on the duties and responsibilities of the employees, will be undertaken in due course. It is felt that a proper classification will tend to make possible the standardization of salaries and the application of improved methods of organization and administration.[38]

After a study of various civil service commissions in the United States, the committee on civil service of the Governmental Research Conference proposed that commissions be selected primarily "on grounds of experience and fitness for personal management" without reference to partisanism, but where a commission is composed of three members one should be appointed by the chief executive and the third should represent the employees. It was further suggested that for consultation purposes an advisory board be appointed which would equally represent the administrative officials and the rank and file.

The National Assembly of civil service commissions, in their annual meeting in 1919, studied the problems of examinations, standardization of civil service reports, efficiency ratings, and the work of civil service commissions, and resolved in favor of the creation of "a service bureau, under the joint control of the National Civil Service Reform League."[39]

[35] *Ibid.*, pp. 11–12.

[36] Twentieth Annual Report of the Bureau of Civil Service to the Governor-General of the Philippine Islands (1920) p. 97.

[37] *Ibid.*, p. 99.

[38] First Annual Report of the Civil Service Commission for Ontario (1918) p. 8.

[39] Report, Thirteenth Annual Meeting of the Assembly of Civil Service Commissions (1920) p. 25.

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This ideal was realized in 1922 through the creation in Washington, D. C., of the Bureau of Public Personnel Administration.

At the 1921 meeting of the Assembly, much attention was given to the means of securing more civil service legislation, and to the problem of veteran's preference in the civil service of the various states.[40]

Bureau of Public Personnel Administration. Of the efforts of private persons to coöperate with public officials in the improvement of the existing merit systems, the activities of the Bureau of Public Personnel Administration of Washington, D. C., are of special importance. Established in 1922 as the result of an effort originating in 1919 at the fourteenth annual meeting of the Assembly of Civil Service Commissions at Rochester, which was referred to above, this private agency operates under the direction of the Institute for Government Research in cooperation with an advisory board representing the Assembly of Civil Service Commissions, the United States Civil Service Commission, the National Civil Service Reform League, and the National Research Council. Its descriptive bulletin expresses that the purpose of the Bureau is:

"1. To serve as a clearing house for existing information relating to personnel administration in the public service, national, state, county, and local.

"2. To develop and improve methods of personnel administration through the conduct of original investigations and experiments.

"3. To publish the results of its work in such form as experience may demonstrate to be most effective for the improvement of the personnel administration of the public service."

During its first year of operation, the principal activities of the bureau consisted of rendering requested advice to various civil service commissions in the United States and Canada upon such technical questions as basic legislation, rules of commissions, organization and staffs of commissions, files and records, classification and compensation plans of public service, examinations, efficiency ratings, leaves of absence, and removals. Intensive studies were made of intelligence tests and the personal administration of private industries, and monographs upon these and kindred subjects were subsequently issued. These

[40] A concise summary of legislation for veteran preference in the civil service of the various states and of Australia and Canada, compiled by May Bradford Upshaw, is published in the proceedings of the Assembly (1920) pp. 111–118. A more recent compendium is that compiled by the Bureau of Public Personnel Administration, Washington, D. C.

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investigations indicated that, once the civil service commission has been established, the major technical problem is the perfection of the detailed administrative procedure. Principles of this technique have been studied by the bureau with a view to helping the commissions develop sound employment methods.[41] Results of these investigations are being published in a regular series of *Public Personnel Studies*.

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Report of the Borah Committee on Campaign Expenditures. The special Senate committee appointed on June 3, 1924 to investigate expenditures in the campaign which was then approaching,[1] submitted its report to the Senate, February 3, 1925, through its chairman, Senator Borah.[2] The report contains a good deal of interesting information about the receipts and expenditures of the different party committees. Twenty-two pages are devoted to an enumeration of the names of all persons who contributed $1,000 or more to the national party campaign funds. The committee endeavored to ascertain the amount collected and expended by the many state committees, and in the report present a tabulation which shows the sums collected, the sums expended, the sums received from the national committees, and the sums sent to the national committees by the various party state committees. The tabulation is not complete, but it gives figures for 43 Republican state committees, 35 Democratic state committees, and 39 Progressive state committees. The expenditures of 31 Republican state committees, of 21 Democratic state committees, and of 28 Progressive state committees are also given in some detail so as to show the different items of expenditure. This part of the report indicates a considerable amount or work. The principal items of expenditure of the three national committees are also given.

Three recommendations conclude the report. The first proposed

[41] Telford, Fred, in the bureau's unpublished analysis of the problems involved in handling employment matters through a central employment agency. The subsequent accomplishments of the bureau are reviewed by W. G. Rice in the proceedings of the Assembly of Civil Service Commissioners, 17th Annual meeting, 1924, pp. 59–71. See also the bureau's *Public Personnel Studies*, now published monthly, which discuss technical problems of civil service administration.

[1] S. Res. 248, 68th Congress, 1st Session, Cong. Record, vol. 65, pp. 10884, 11065, 11216.

[2] Sen. Rep. No. 1100, 68th Congress, 2nd Session.

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the enactment of a definite measure, the Walsh Corrupt Practices bill. The other two recommendations were made in short paragraphs and were only called to the attention of the Senate in a cursory way. One mentioned the desirability of considering population as an important factor in determining the amount of money that can be properly expended by candidates. The other referred to the practice of sending money from one state to another during a campaign.

The committee is careful to shield itself from attack by saying "that with reference to all figures included in this report, particularly with reference to collections and expenditures, they have been gathered by going through a vast amount of testimony and reports and it may well be that some inaccuracies, particularly as to details, may be found. But in all substantial particulars the committee believes the report gives the facts."

Let us see. The report states that "the national Republican organization collected during and for the use of the presidential campaign of 1924 the sum of $4,360,475.82; that it expended about $4,270,469.01; that it returned to the states the sum of $573,599.20."[3] The finance accounts filed by the national committees with the Borah committee, from which in some way these figures have been derived, are the same as the official accounts filed in Washington with the Clerk of the House of Representatives in compliance with the law. Total figures taken from the one set of accounts should therefore be the same as total figures taken from the other set.[4] And yet as between the figures given in the Borah report and the figures secured from the accounts filed with the Clerk of the House of Representatives, there is a difference of about $940,000 in receipts and about $1,200,000 in disbursements. Whoever prepared the report has evidently culled the wrong figures from the accounts furnished to the committee. These inaccuracies are not mere "details."

Apparently the Borah committee has added the money, raised for and spent by the state committees under a joint collection arrangement, to the money raised and spent exclusively for and by the Republican national committee. But its figures, instead of representing the sum expended for the purposes of the presidential campaign, represent the sum expended for state election purposes as well as for presidential election purposes. No mention, however, is made of this fact and we

[3] Page 2.

[4] I have used both sets of accounts and have secured the same total figures from each set.

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are left to surmise whether this combination of figures was made purposely or by mistake.

In the case of the Democratic national committee figures, the report states that the committee collected "the sum of $821,037.05."[5] The official figures show that the Democratic national committee collected $845,520.38 from individual contributions and $120,000 by a loan from the New York Trust Company. The report states that the Democratic national committee expended "about $903,908.21." The official figures show total disbursements amounting to $903,908.21; liabilities or bills due and unpaid amounting to $206,305.73; and an unpaid loan of $120,000, making the total expenditures in the campaign amount to $1,230,213.94. Such inaccuracies as these constitute substantial errors.

In one place the report states that the sum of $546,034.45 had been refunded by the Republican national committee to the states;[6] in another place that $573,599.20 had been returned to the states.[7] Which figure is correct? As a matter of fact the sum of $956,525.11 was raised for and returned to the states by the Republican national committee, while the sum of $686,300 was donated to the state committees by the Republican national committee.[8] The only mention made in the report of the congressional and senatorial committees is given under the head of "General nature of the office expenditures," and yet expenditures for senators and congressmen are of equal importance with expenditures for President and should have as much attention.

No mention is made of the great bulk of the testimony given to the committee during its hearings—the testimony fills several large volumes. The report only makes use of the figures given to it, without confirming or denying the other evidence placed before the committee. We are left to assume that the committee did not consider the other material worthy of presentation.

The recommendation of the committee that a new federal corrupt practices act be passed deserves attention. The act proposed is the same as the one introduced by Senator Walsh of Massachusetts as a rider to the Postal Salary Increase bill, which was signed by President Coolidge.[9] Thus, this part of the committee's recommendations was

[5] Page 2.
[6] Page 33.
[7] Page 2.
[8] From the statements filed with the Clerk of the House of Representatives in Washington.
[9] H. R. 11444, 68th Congress, 2nd Session, approved by President Coolidge, Feb. 28, 1925, Public Law No. 506.

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accepted by Congress and has now become law. Without a detailed analysis of this act, suffice it to say that it only applies to "a general or special election" and thus does not touch primary elections at all, leaving half of the field unregulated. The Borah committee apparently was afraid to take advantage of the opportunity the Supreme Court offered in the Newberry decision.[10] In that decision, four justices held that the word "election" used in Article I, section 4, of the Constitution referred only to general elections and did not include primary elections. On the other hand, four justices held that ample authority rested with Congress to regulate primaries, because the word "election" could not be construed so narrowly. Justice McKenna concurred with the four who held the law under consideration to be beyond the authority of Congress to enact, but his concurrence was conditional and he definitely stated that he reserved his opinion concerning the authority of Congress to enact such a law after the adoption of the Seventeenth Amendment. The law under consideration by the court was passed in 1910. What reason had Justice McKenna to so qualify his concurrence if he did not think that a case arising today after the adoption of the Seventeenth Amendment concerning a new law, would have to be considered in a new light?[11] It seems fair to say that the court today considering a new law would not be bound by the Newberry decision, since that decision really decided nothing permanently with reference to the authority of Congress to regulate primaries.[12] It merely decided that the Federal Corrupt Practices Act of 1910, which undertakes to limit the amount of money which any candidate for Congress may give, expend, or use in procuring his nomination or election, was unconstitutional as applied to a primary election of candidates for a seat in the Senate. Hence, Congress for once was too careful about its powers and neglected to take advantage of the loophole offered by the court in its decision. Thus Congress in following the advice of the committee has seen fit to give us only half a law. The law is scarcely half a law because it perpetuates many of the defects of the old law and succeeds in improving but two.[13] No provisions are in-

[10] 256 U. S. 232 (1921).

[11] See Hearings, Committee on Election of President, March 13, 1924, pp. 36–37.

[12] See American Political Science Review, vol. 16, p. 22.

[13] One new provision increases the amount of money that can be spent by candidates for the Senate and the House, and another requires the filing of reports at different times throughout the year and not merely during a campaign.

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cluded which will revitalize the law by giving more complete publicity, better enforcement or more accurate accounting.

Thus, the committee failed to take advantage of its opportunity of giving to the Senate an improved law which would be effective. Of course, the committee was appointed largely for inquisitorial purposes; but the fact that it contained senators who previously had indicated their interest in the use and regulation of money in elections causes disappointment that something of more value could not have been produced.

Although there is much material of value and interest in the Borah report, in general it is not as accurate nor as clear and carefully prepared as the Kenyon report four years ago.[14] The Borah report seems to be perfunctorily prepared; and yet, it is of value if one is careful to check up its inaccuracies.

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[14] Sen. Rep. No. 823, 66th Congress, 3rd Session.

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JUDICIAL DECISIONS ON PUBLIC LAW

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Advisory Opinions—Validity of Statute Requiring Courts to Render—Judicial Power—Legal Effect of Such Opinions. In re Opinions of the Justices (Alabama, June 1, 1923, 96 So. 487). The Act of February 13, 1923, of Alabama relating to advisory opinions contains three sections. First, it provides that the governor by request in writing, or either house of the legislature by resolution, may obtain a written opinion from the justices of the supreme court of the state, or a majority of them, on important constitutional questions. Section 2 provides: "The opinion of the Justices of the Supreme Court herein provided for shall not be binding upon the state or any department thereof, nor even upon the departments requesting it, nor the Justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this act, being to give more confidence and assurance to the validity and constitutionality of important acts or contemplated acts of the Governor and the Legislature, ... " The last section of the act provides that "The Justices of the Supreme Court may request briefs from the Attorney General, and may receive briefs from other attorneys as amicus curiae, as to such questions as may be propounded to them for their answers."

In view of a previously unbroken line of authority to the effect that statutes requiring advisory opinions from the courts are void, as imposing nonjudicial functions upon the judicial departments and consequently violating the constitutional requirement of the separation of powers, the temerity of the legislature of Alabama in enacting this law is hardly less interesting than is the decision of the supreme court of the state in holding it constitutional. It should be borne in mind that while the system of requiring advisory opinions prevails in a number of states besides Alabama, it is, in each of these states, established by definite constitutional provisions. There are isolated cases in which courts have responded to requests made upon them for advisory opinions,

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but this has usually been done without discussion of the constitutional principles underlying the practise. The orthodox rule is clearly against the right of the legislature to inaugurate the system, and in the states where it exists by virtue of constitutional provision the courts have not infrequently responded to requests grudgingly, and have impaired the efficiency of the system by narrow construction.

Before proceeding to discuss the validity of this act the Alabama court stated certain conclusions regarding the meaning which it placed upon the provisions above summarized. First, the act does not contemplate the giving by the justices of opinions upon the wisdom or policy of legislation. Second, the opinions called for are those of the individual justices as such and not the opinions of the supreme court as a body. Third, the important questions upon which opinions may be sought are those relating to the general public interest as contrasted with questions of private right. Fourth, the responses are advisory and consultative merely and not binding upon anybody. The court then proceeds to consider the objections urged against the validity of the statute. It is true that it imposes nonjudicial functions upon judicial officers, for the rendering of an advisory opinion is a nonjudicial function, but such functions are not imposed upon the court as such but rather upon the individual members thereof. There is no constitutional prohibition upon thus enlarging the duties of the individual judge. Since the opinions are not in any sense binding, it follows that court is not, in rendering them, sharing the power of the legislative or executive department which requested the opinion. The plan does not require the court to act in advance upon questions which it may be obliged to decide later, since the "court" does not act at all in giving the opinion. Nor does the rendering of such opinions cause the individual justice to prejudge cases which he must later pass upon. The questions are many of them such that they will never be raised before the court in actual litigation, and furthermore, when the judges are deciding upon the validity of a statute in the normal exercise of the power of judicial review they are bound by the important principle that all statutes passed by the legislature are presumed to be constitutional. This presumption does not attach to pending legislation upon which an advisory opinion may be sought. The majority of the court conclude their opinion upon the validity of the plan with the following statement: "The practice thus established evinces the highest permissible form of precautionary procedure to preserve constitutional government by invoking the advice of those thought to be peculiarly qualified to give in advance of action, advice

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in respect to the Constitution's prescriptions; thereby manifesting a quickening sense of responsibility for submission and conformity to the Constitution on the part of all who owe that supreme duty to the governments." The question of the validity of the statute arose out of a request for an advisory opinion duly made by the governor, and the justices therefore proceeded to render the opinion asked for.

Two justices found themselves unable to agree with the majority as to the constitutionality of the statute. They based their conclusions upon the familiar arguments grounded upon the separation of the three departments of government and the constitutional inability of the legislature to impose nonjudicial functions upon the courts. They held that the distinction between the justices acting in their individual capacities and the court as a body is "illusory and unsubstantial" and is an "distinction without a difference." They, therefore, "with great deference and respect beg to be excused from further consideration of the questions you have propounded until they may be presented and argued by counsel in the ordinary course of the administration of justice." This dissent is interesting because it apparently proceeds upon the theory that the dissenting justices are not bound by the decision of the majority that the advisory opinion act is constitutional, and that they are therefore at liberty to decline to exercise the duties which that act imposes upon them.

Aliens—Equal Protection of the Law—Prohibiting Appointment of Alien as Guardian of His American-born Child's Estate. In re Fujimoto's Guardianship (Washington, June 10, 1924, 226 Pac. 505). One of the sections of the Alien Land Law of Washington passed in 1921 provides that an alien shall not be qualified to be a guardian if part of the estate is land. The validity of this clause of the Alien Land Law was not directly passed upon in any of the cases decided by the Supreme Court of the United States during the October term, 1924. See this *Review*, Vol. XIX, page 60. The question arises here on the application of Fujimoto to be appointed guardian for his infant son. The father was born in Japan and is still a subject of the emperor of Japan. The boy was born in this country and has received by deed title to certain real estate. Such a statute does not deny to the father the equal protection of the law. The classification here involved is reasonable and necessary to effect the purpose of the alien land laws. It is a notorious fact that a guardian has practically unrestrained control of the estate of his ward, and to allow such control to pass into the hands of aliens

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would be to defeat the purpose of the law. Nor is the act void as denying the equal protection of the law to minors. The basis of the decision is the court's view of the practical consequences of the relationship of guardian and ward upon the control of land within the state. Upon this point it disagrees with the supreme court of California, which reached an opposite result in the case of In re Tetsubumi Yano's Estate, 206 Pac. 995.

Amendments to State Constitution—Meaning of Rule Against Submission Oftener than Once in Five Years. Armstrong v. King (Pennsylvania, July 8, 1924, 126 Atl. 263). The constitution of Pennsylvania adopted in 1838 provides in connection with the rules governing the adoption of amendments that "no amendment or amendments shall be submitted to the people oftener than once in five years." The same provision after some debate was carried over into the constitution of 1873 and is now in force. The present constitution of the state was amended in 1901, 1909, 1913, 1915, 1918, 1920, and 1923. This case arises out of a taxpayer's action to restrain the defendant, who is secretary of state of Pennsylvania, from submitting another amendment for popular approval or rejection in the November election of 1924, on the ground that such action will violate the five-year rule regarding the submission of amendments. The issue is clear. Does the five-year limitation above quoted mean that after the submission of an amendment no other amendment shall be submitted until after five years have elapsed, or does it mean that after an amendment has been submitted the same amendment shall not be resubmitted until after the five-year period has passed? The court admits that the legislature for a number of years has proceeded upon the second theory, since the amendments submitted in 1911, 1913, 1918, and 1923 were all submitted within five years of the last preceding amendment. This view, however, the court finds itself unable to adopt. It declares that the language of the clause in question is clear and unambiguous and can mean only one thing: namely, that no amendment whatever shall be submitted within the five-year period. If the framers of the clause had meant merely to provide against the repeated submission of the same proposal they would have said "no such amendment . . . . . " as they did in one or two other provisions of the constitution. Stress is also laid upon the fact that the first violation of the rule did not occur until 1911, so that for seventy-four years the five-year rule as construed by the court was obeyed. This offsets any more recent practice to the contrary estab-

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lished by the four illegal submissions of 1911, 1913, 1918, and 1923. The court declares, however, that it is now too late to attack in any collateral action the validity of the amendments thus unlawfully submitted, and they must be regarded as part of the constitution of the state. Where the submission of the amendment has not yet occurred, however, it is the duty of the court to intervene to prevent violation of the constitutional provisions governing the amending process. In Hollinger v. King (127 Atl. 462), decided January 5, 1925, the court was asked to invalidate the amendment to the constitution of Pennsylvania adopted in 1923 authorizing the issuance of $15,000,000 of bonds on the ground that it had been submitted to the electors in violation of the five-year rule. The court reiterated its previous view that amendments, once approved by the people, could not be attacked as invalidly adopted. "The approval of the people," said the court, gives unattackable validity to . . . . amendments submitted to them."

Civil Service—Power of Legislature to Abolish Offices and Create New Ones with Same Duties. People v. Milliken (Colorado, December 3, 1923, 223 Pac. 40). By an act of 1918 the legislature of Colorado created an organization of "motor vehicle inspectors" and these were placed under the provisions of the civil service clauses of the state constitution. By an act of 1921 the office of "motor vehicle inspector" was abolished and in its place was created the office of "deputy supervisor" of motor vehicles. The functions of the two offices were identical. The officers appointed under the first act were deprived of their positions and new appointments were made under the second act. The court here holds that this is a violation of the civil service sections of the constitution. While the legislature has undoubtedly the right to abolish offices at its discretion, this action was a mere subterfuge whereby the requirements of the constitution were being avoided.

Double Jeopardy—Statute Making Contempt of Court a Misdemeanor without Altering Ordinary Power of Court to Punish for Contempt. Ex parte Morris (California, June 20, 1924, 227 Pac. 914). The Penal Code of California provides that every person guilty of any contempt of court is guilty of a misdemeanor. This provision was attacked as a violation of the rule against double jeopardy inasmuch as the law did not, and could not, interfere with the inherent right of the courts to punish for contempt. It would, therefore, be possible for an offender to be punished once under the Penal Code and again under the

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Civil Code. The court here holds that this does not constitute double jeopardy. The two offenses are separate even though they arise out of the same act. There is ample authority for allowing an injunction to issue against an act which may also be punishable as a crime, and this statute proceeds upon the same principle. In fact, the court points out that the same act may legitimately involve three penalties, one a criminal penalty under the statute, one the penalty inflicted by the court as an exercise of its inherent power to punish for contempt, and one a penalty of a civil nature arising out of an action for damages.

Due Process of Law—Equal Protection of the Law—Statute Limiting Number of Insurance Agents in Cities. Northwestern National Insurance Co. v. Fishback (Washington, August 7, 1924, 228 Pac. 516). In 1923 the legislature of Washington amended the Insurance Code by providing that no company writing fire or automobile insurance shall have more than one agent in any city having a population of 50,000 or less, and not more than two agents in cities of more than 50,000 inhabitants. The court was unable to discover any basis grounded upon the public welfare which would sustain this regulation as a reasonable exercise of the police power, or which would justify the discrimination against insurance agents involved. It was accordingly held to work a denial of due process of law and the equal protection of the law.

Equal Protection of the Laws—Right of an Indian Child to Attend the Public Schools. Piper v. Big Pine School District of Inyo County (California, June 2, 1924, 226 Pac. 926). The California school laws contain three provisions pertinent to this case. The first provides for the maintenance of public graded schools to which children shall be admitted, including Indian children whose education shall not have been otherwise provided for by the federal government. The second authorizes the school district to establish separate schools for Indian, Chinese, Japanese, or Mongolian children, and prohibits the admission of such children to the other schools in case separate schools have been established. The third provision excludes from the state schools Indian children who are eligible to attend Indian schools established by the federal government, provided they live within three miles of such school. It was admitted that the Indian child excluded from the public schools of the state under the provisions of this law was eligible to the federal Indian school in the vicinity. She chose, however, not to attend such school. The court holds that she cannot be denied admission to the

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state school of the district. The privilege of receiving an education is a right which does not arise under federal citizenship. There is no national system of education. It is a distinctly state affair. To deny to this child the right to attend the public schools of the state upon the same basis as others in the same class is a denial of the equal protection of the law. The fact that there is another school not under state control which she might attend is wholly irrelevant to the question. The district in which she lives must either admit her to the regular public school or else must provide a separate school for Indian children which she may attend. The fact that the district is sparsely settled and the expense entailed in complying with such rule will be burdensome has nothing to do with the constitutional issue involved, and presents merely a legislative problem.

Equal Protection of the Law—Statute Giving Citizens of Certain Counties Privileges Denied to Other Citizens under State Game Laws. State v. Bryan (Florida, January 28, 1924, 99 So. 327). The statutes of Florida provided that all nonresidents of Hernando County should be required to pay the county a license tax of $50 for hunting wild game in the county, while the residents of the county were obliged to pay but $1 for the same privilege. In another county the nonresident license tax was $10 as against $1.25 for residents. Furthermore, under the general laws all residents of the state were required to pay a state tax of $3.50 for the privilege of hunting in any other county than that in which they resided and $1.25 to hunt in the county of their residence. These regulations are held to deny the equal protection of the laws. "All bona fide citizens of the state irrespective of the counties in which they live, have a qualified beneficial property interest, subject to lawful governmental regulations for the public good, in all wild game while it is in any county of the state, and not reduced to the lawful possession of any one; and, as the state cannot lawfully deny to any of its citizens substantially equal rights with all other citizens of the state, under like conditions, to lawfully hunt wild game in the state, the vesting of title to such game in the several counties is ineffectual to impair individual rights in the game or to relieve the state of the power and duty of just regulations for the good of all." Residence or nonresidence in a particular county does not afford a reasonable basis for classification for the purpose of the regulation of wild game.

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Equal Protection of Law—Statute Requiring Discharged Convict to Leave Certain Counties. Ex parte Schatz (Missouri, February 17, 1925, 269 S. W. 383). A Missouri statute passed in 1919 required all convicts discharged from the state penitentiary to leave immediately the city of Jefferson and within twenty-four hours to leave the confines of Cole and Callaway counties unless they were sentenced to the penitentiary from either of those counties. Violation of the statute was made a misdemeanor punishable by imprisonment. The court here holds that this is a denial to the discharged convict of the equal protection of the law. Upon his release from the penitentiary he may not necessarily be given the right to vote but he is restored to the full enjoyment of all the other rights of citizenship, among them the right to choose where he shall make his home. His debt to the state has been paid in full. Should he prove an undesirable citizen he may be punished for any subsequent misdeeds. He cannot, however, be prevented from living where he wishes. The act was void also as a special law applicable to the two counties mentioned, since other nearby counties occupied the same situation with respect to it that they did.

Governor—Eligibility of Wife of Impeached Governor to Hold Office of Governor. Dickson v. Strickland (Texas, October 15, 1924, 265 S. W. 1012). In this case the right of Mrs. Miriam A. Ferguson to have her name appear on the official ballot as a candidate for the office of governor of Texas was attacked, on the ground that she was a woman, that she was a married woman, and that she was the wife of James E. Ferguson who had been impeached as governor and disqualified from holding office in the state. It was further urged that Mrs. Ferguson's candidacy was in the nature of a subterfuge to defeat the effect of the decree of impeachment against her husband and that should she be elected he and not she would be the real governor of the state. After discussing at some length certain questions bearing upon the jurisdiction of the courts to settle such questions, the court takes up the specific allegations stated above and finds them of no force. Mrs. Ferguson was held to be eligible to the office of governor in spite of her sex and her status as a married woman, not because married women have been especially rendered eligible by positive enactment, or by the adoption of state and federal suffrage provisions, but because they have never been rendered specifically disqualified. The attributes which disqualify one to hold the office of governor are stated in the constitution of the state and they do not include sex or coverture. Nor is there any force in the objection

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that the impeachment of her husband rendered Mrs. Ferguson ineligible. The theory of the contention was that the decree of impeachment prevented Ferguson from holding any office of trust or profit under the state, and that if his wife should succeed to the office he would, under the principle of community property, receive half the salary in violation of the decree of impeachment. The court emphasizes that the constitution forbids the imposition of penalties upon the members of the family of an impeached officer by specifically restricting the punishment, besides removal from office, which may be imposed. Furthermore, if the husband under the decree of impeachment is disqualified from receiving any share of his wife's salary then the salary becomes *ipso facto* her separate estate. There is no evidence in the judgment of the court to sustain the allegation that Mrs. Ferguson's candidacy is a mere subterfuge and that husband and wife have entered into a conspiracy whereby the decree of impeachment is to be rendered ineffectual and the husband is to be restored virtually to the office from which he has been removed.

Governor—What Constitutes Absence from State—Power of Lieutenant-Governor to Assume Office of Governor during Absence. Montgomery v. Cleveland (Mississippi, November 5, 1923, 98 So. 111). This case involves no new principle but it presents so striking a set of facts for the application of an old one as to merit comment. On November 11, 1922, Governor Russel of Mississippi left Jackson, Mississippi, shortly after midnight for Memphis, Tennessee. He returned during the afternoon of the same day. It was agreed that he was out of the state from six o'clock in the morning until noon. At 10:30 of that morning the lieutenant governor issued a pardon to Cleveland, who was serving sentence at the time in the state penitentiary. The pardon was delivered while the governor was still out of the state. Montgomery, the superintendent of the prison, refused to honor the pardon or release Cleveland. The supreme court held that the six-hour absence of the governor from the state constituted an "absence" which the lieutenant governor was authorized by the constitution to fill and that the pardon was lawfully issued. The same result was reached in a very similar case in Oklahoma. See In re Crump, 135 Pac. 428. For an opposite rule see State v. Graham, 26 La. 567.

The most interesting feature of the case is the dissenting opinion of Judge Anderson, portions of which are worth reproducing. The dissent is grounded upon the theory that the governor's "absence" mentioned in the constitution, which the lieutenant governor is authorized to fill,

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is only such absence as "will effectually prevent the governor from exercising the powers and duties of his office." To emphasize the awkward results of the rule adopted by the majority, Judge Anderson draws this vivid picture: "Take, for an illustration, this condition of affairs: The Governor accepts an invitation to play golf on a golf course on the line between Mississippi and Alabama, partly in this state and partly in that. The game is going on for half a day; several are engaged in it; it is quite an occasion; there are many visitors. In the progress of the game the Governor is in Mississippi when he hits the ball one time, and in Alabama when he hits it the next time, and so forth and so on, resulting in his being in and out of Mississippi maybe dozens of times before the game is over. According to the majority opinion, every time he crosses the state line into Alabama he loses his office for the time being, and the Lieutenant Governor is Governor, and when he crosses the line back into this state he is Governor again and the Lieutenant Governor is down and out. In other words, now he is and now he ain't, and now he is and now he ain't, and so on as long as the game goes on. And during this time the Lieutenant Governor has heard of the game, and thereupon rushes to the capitol of the state, and siezes the Governor's office and the great seal of the state, issues pardons to criminals, one after another, and appoints circuit judges, and chancellors and Supreme Court judges to fill vacancies. And then the question arises in the courts which ones, if any, of these pretended official acts are legal. The Lieutenant Governor, while acting as Governor, has had a timekeeper, who has kept the record of when the various official acts were performed. They testify. And the witnesses at the golf game are brought in and put upon the stand, and necessarily, although they were watching the Governor closely while engaged in the game, there is great conflict as to whether he was in Mississippi or in Alabama at the various times in question. Is it believable that the wise men of the Constitution failed to provide against this condition—such absurd, ridiculous results? I am glad to say I do not believe any such thing."

Impeachment—Power of Legislature to Impeach Governor during Special Session Called for Other Designated Purposes—Other Constitutional Principles Governing Impeachment. Ferguson v. Maddox (Texas, June 12, 1924, 263 S. W. 888). On September 25, 1917, the senate of Texas, sitting as a court of impeachment, removed Governor James E. Ferguson from office and decreed that he should thereafter be "disqualified to hold any office of trust or profit under the State of

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Texas." In the spring of 1924 Ferguson announced his intention of becoming a candidate for nomination for state governor in the Democratic primary to be held in July, 1924, and filed his name with the Democratic state committee in accordance with the provisions of the primary law, requesting that his name appear on the official primary ballot. This case arose out of an action to enjoin the state Democratic committee from placing Ferguson's name on the ballot. Ferguson's defense consisted of a denial of the validity of the decree of impeachment disqualifying him from holding office. Five reasons for the invalidity of the decree were advanced, and these may be taken up separately together with the disposition made of each one by the supreme court which held the decree of impeachment valid and issued the injunction asked for.

The first contention was that the legislature had no power to impeach the governor during a special session called for other purposes. The constitution of Texas specifies that "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor." The special session of the thirty-fifth legislature which had instituted the impeachment proceedings had been called by the governor for the purpose of making appropriations for the support of the state university. The court pointed out, however, that this restriction upon a called session of the legislature related to legislation only. The power of impeachment is not a legislative function in any sense and falls wholly without the terms and spirit of the restriction. It may be noted that a similar objection to the validity of the impeachment of Governor Sulzer in New York in 1913 had been answered in the same manner by the New York courts. See People ex. rel. Robin v. Hayes, 143 New York Suppl. 325; appeal denied by court of appeals 106 N. E. 1041.

The second objection raised by Ferguson was that the impeachment proceedings had been begun by one special session, which had expired under the constitutional provision limiting its duration to thirty days, and had been carried forward by a subsequent called session assembled by proclamation of the acting governor. This division of the process, it was claimed, rendered the proceedings invalid, although it was admitted that the first session had expired on August 30, 1917, and the succeeding one had convened on August 31. The court held here that the function of impeachment being judicial in character was not limited or restricted by legislative sessions. In an impeachment proceeding,

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the senate sits as a court and the constitution does not limit its tenure nor restrict the time of its sitting. It may lawfully proceed regardless of special legislative sessions until its duties have been performed.

The third allegation was that the decree of impeachment was void because neither the constitution nor the laws of Texas defined specifically the offenses for which an officer might be removed from office and disqualified from holding office in the future. This left the senate of the state with purely arbitrary power to punish for undefined offenses. The court replied to this by pointing out that in an impeachment proceeding the senate may not act arbitrarily but must proceed according to law as ascertained from the constitution, legal treatises, common law and parliamentary procedure, and that the mere failure to specify definite offenses did not vitiate the proceeding. The purpose of impeachment is primarily to protect the state, not to punish an offender, and the absence of statutory definition of impeachable offenses does not hinder the proper fulfillment of that purpose by a court of impeachment.

The fourth objection was that the statutes did not definitely authorize imposing the penalty of disqualification from office upon an impeached officer. The court's answer was that the constitutional provisions regarding impeachment are self-executing and do not need statutory elaboration to give them force. Finally, it was urged that on the day before the judgment of impeachment was rendered against Ferguson he filed his written resignation with the secretary of state to take effect immediately and that such resignation rendered the judgment void. This contention the court repudiated. It pointed out that the senate had acquired jurisdiction of the governor and it had full power to push its proceedings to completion. It was not dependent upon him or his acquiescence for its authority. To allow him to escape from the jurisdiction of the impeachment court by a last-minute resignation would be to turn a solemn trial before a judicial tribunal into a farce. The court concluded its opinion by declaring that a judgment of impeachment rendered by the senate cannot be called into question in any other tribunal in the state except for lack of jurisdiction or excess of constitutional power, "since the senate, as to impeachment, is a court of original, exclusive, and final jurisdiction."

Liberty of Contract—Statute Requiring Newspapers to Publish Findings of Minimum Wage Commission at Regular Rates. Commonwealth v. Boston Transcript Co. (Massachusetts, June 14, 1924, 144 N. E. 400). The minimum-wage law of Massachusetts is of a volun-

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tary rather than of a compulsory type. It provides for a commission or board to investigate the wages of women and children in various industries and to reach conclusions as to what wage such employees ought to receive. These findings are then to be made public through the newspapers in the hope that the pressure of public opinion will lead to the adoption by employers of the wage rates thus declared reasonable. The names of employers failing to adopt such wage rates are to be published in similar manner. This law was held constitutional by the supreme court of Massachusetts in Holcombe v. Creamer, 120 N. E. 354 (See this *Review*, vol. XIII, page 102), and since the law is of an entirely different type from the compulsory minimum-wage act declared invalid in Adkins v. Children's Hospital, 261 U. S. 525, the court finds no occasion for changing its view of the validity of the statute now. The law provides however, that "Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall be punished by a fine of not less than one hundred dollars." This requirement is held by the court to be an unreasonable infringement upon the liberty of contract of the newspapers. While newspapers may in certain respects be held to be businesses affected with a public interest, this principle does not extend to the imposition of such a duty as the one here required. So far as this law is concerned newspapers must be regarded as occupying as favorable a position as any other person and they are, therefore, not subject to the imposition of such a burden as the one here laid upon them.

Police Power—Due Process of Law—Forbidding Wilful Display in Public Place of Clocks Indicating Other than Standard Time. State v. Bassett (Connecticut, March 1, 1924, 123 Atl. 842). By a statute passed in 1923 in Connecticut, it was made a misdemeaner for any one wilfully to display on any public building or on any street or highway any time-measuring instrument or device intended to furnish time to the general public, so set as to indicate any other than standard time. This is here held to be a proper exercise of the police power of the state to promote public convenience and public welfare. The purpose of the law was to prevent the confusion and inconvenience which might arise from the display of clocks, set at different times, and in its wide discretion to determine what the public welfare requires, the state legislature may establish such a rule without a denial of due process of law.

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Police Power—Due Process of Law—Statute Fixing Maximum Fee of Employment Agencies. Ex parte Smith (California, February 26, 1924, 223 Pac. 971). A California statute of 1923 provided that employment agencies should not charge for their services a fee greater than ten per cent of the wage or salary earned during the first month of employment. Without attempting to present much independent argument the court held that the act was a violation of the due process clause of the Fourteenth Amendment, on the authority of the case of Adkins v. Children's Hospital, 261 U. S. 525, in which the United States Supreme Court invalidated the District of Columbia Minimum Wage Law. "Surely," said the court, "the reasons which may be advanced for establishing standards of minimum wages for women and children are not less potential than those which may be urged in favor of the validity of the act before us."

Police Power—Requirement of License to Resell Theatre Tickets—Restriction of Price at Which Theatre Tickets May Be Resold. People v. Weller (New York, February 19, 1924, 143 N. E. 205): In re Opinion of the Justices (Massachusetts, April 23, 1924, 143 N. E. 808). These two cases both involve the question of the validity of statutes providing for the licensing of persons who engage in the business of reselling tickets to theatres and places of amusement, and restricting the price at which such tickets might be resold. In each case it was required that the ticket must bear the original price upon its face and the reselling agent is forbidden to charge more than fifty cents in excess of the original price. In each case the court agreed that the regulation was a reasonable regulation and not unconstitutional. Theatres and places of amusement are establishments which no one has a natural or inherent right to set up. To operate them is a business affected with a public interest. While the regulation to which they may be subjected must not be arbitrary, such regulations as are conducive to the protection of the public from abuses which experience has shown are likely to spring up in connection with such establishments are within the scope of the police power. Of such a character are the regulations established here. Consequently there is no denial of due process of law or the equal protection of the law involved in these acts.

Suability of State by its own Citizen in Courts of Another State—Interstate Comity. Paulus v. South Dakota (South Dakota, November 15, 1924, 201 N. W. 867). In 1918 an amendment to the constitution

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of South Dakota was adopted which declared the mining, distribution, and sale of coal to be works of public necessity in which the state might engage, and authorized the legislature to pass laws to acquire by purchase, and so forth, the lands and properties which might be necessary to conduct the business. A year later the legislature created a coal-mining commission empowered to carry out the purposes of the amendment; and this commission, acting under authority of the statute, acquired and carried on the operation of a coal mine in North Dakota. The plaintiff was a resident of South Dakota who went to North Dakota to work in this mine. In the course of his employment he was injured, and under the provisions of the workmen's compensation law of North Dakota he sought to bring this action for damages against the state of South Dakota. He claimed that South Dakota, by crossing the state line and engaging in the business of coal mining, had divested herself of the attributes of sovereignty and should be held amenable to the provisions of the statute as any other employer would be. The supreme court of North Dakota, while admitting that if an action arose out of the operation of the mine which involved the two states that the courts of North Dakota might properly regard the state of South Dakota as a private corporation, held that upon principles of comity they should refuse to take jurisdiction of the plaintiff's suit but should allow him to seek what redress he could in the courts of South Dakota.

Taxation—Public Purpose—Loan of State Money to Coöperative Associations to Aid in Establishment of Warehouses for Agricultural Products. Vette v. Childers (Oklahoma, February 12, 1924, 228 Pac. 145). An Oklahoma statute passed in 1923 provided for the organization of "farmers' coöperative associations," in the form of corporations empowered to establish and operate warehouses and other facilities for the marketing and distribution of agricultural products. It further appropriated the sum of $1,250,000, to be known as the "State Warehouse Revolving Fund," to be loaned to the coöperative associations upon first-mortgage bonds to aid in financing the warehouse system. This appropriation was attacked in a taxpayer's action on the ground that it involved the exercise of the taxing power for a private purpose. The court so holds. The money is to be loaned to private organizations. While the state is to exercise certain supervisory functions with respect to these associations, it does not own them nor operate them directly. The act therefore falls within the rule of Loan Association v. Topeka, 20 Wallace 655. It is expressly stated that this decision has no bearing

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upon the question whether the state itself might engage in the business of owning and operating warehouses. On that question the court offers no opinion.

Taxation—Public Purpose—Compensating Individuals for Losses Inflicted in the Exercise of the Police Power. Kilpatrick v. Compensation Claim Board (Texas, Court of Civil Appeals, January 31, 1924, 259 S. W. 164). The state of Texas began in 1917 to legislate for the purpose of eradicating the pink boll worm, which had become a menace to the cotton-growing industry of the state. An act passed in that year and one passed in 1919 provided for the destruction of infected crops and the payment of compensation to the owners. Acts passed in 1920 and 1921 reënacted these provisions and provided further for the establishment by proper authority of "non-cotton" zones in which no cotton might be raised for fear of the spread of the boll worm. Persons within these zones were to be compensated for the loss of their crops upon the basis of the rental value of their land. The expenditure of public money to satisfy claims for such compensation was attacked as an appropriation of money to individuals, and the creation of a public debt without proper constitutional authorization. The court held the appropriation valid. The payments were made as part of a general scheme for the exercise of the police power of the state, aimed to prevent the spread of an evil disastrous to one of the most important industries. While the state is not required to pay compensation for losses incurred as a result of the exercise of the police power, as is the case in the use of the power of eminent domain, "it is nevertheless true that under proper conditions a moral obligation may arise to compensate an owner for the destruction of, or restriction in the use of, his property, in the exercise of the police power; an obligation which right and justice imperatively demand that the state recognize and discharge."

Taxation—Stock Dividends as Income. Lanning v. Trefry (Massachusetts, February 29, 1924, 142 N. E. 829). In the case of Tax Commissioner v. Putnam, 116 N. E. 904, decided in 1917, the supreme court of Massachusetts held that stock dividends were income within the meaning of the state income tax law. In Eisner v. Macomber, 252 U. S. 189 (1920), an opposite conclusion was reached by the Supreme Court of the United States with respect to stock dividends under the federal income tax amendment. It was strongly urged that the Massachusetts court ought to reverse its previous decision out of deference to the de-

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cision of the federal Supreme Court. The state court, however, stood its ground. "It is cause for regret that there is diversity of view between this court and the Supreme Court of the United States," remarks the court, but it adds, "Uniformity of thought is not always possible," and even in the Eisner Case "four out of the nine justices of that court believed that a stock dividend could be taxed as income. . . . ."

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FOREIGN GOVERNMENTS AND POLITICS

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Proportional Representation in Sweden. Fifteen years ago the principle of majority elections became applicable to all phases of public life in Sweden; and along with the movement for democratization there developed the idea of proportional representation. This principle was urged especially by Conservatives, who feared that if elections to *Andra Kammaren* (the Lower House) should be based upon universal suffrage with the retention of the majority system, the Conservative party would be completely annihilated. The Liberals replied (this was the time when the opposition between Conservatives and Liberals dominated Swedish politics) that the Conservatives had sufficient influence through their position in *Första Kammaren* (the Upper House); their partiality for the majority system was also due to their sympathy with English parliamentarism.[1]

In the meantime, a small group of Liberals was won over to proportional representation, and by combining with this group the Conservatives in 1907 introduced both universal suffrage and the proportional system in elections to the Lower House. The Conservatives gained the support of the Liberals, however, on the condition that there should be a thorough democratization of the Upper House and that the proportional system should apply also in elections to that body.[2] Since the Upper House was elected by certain local bodies (*Landsthing* or provincial assemblies, and the representatives of the communes), it was necessary to have these bodies also chosen by the proportional system, otherwise proportionality for the Upper House would have been mere empty form. The reform of 1907 brought about, then, the inauguration of proportional representation in elections to both the

[1] This view was presented especially by Staaff, at that time the leader of the Liberal party. After his death (1915) was published his great work, *Det demokratiska statsskicket* (*Democratic Government*), 2 vols., Stockholm, 1917, dealing particularly with the constitutions of England, the United States, France, and Switzerland.

[2] Wallengren, *Förstakammar frågan inför svenska riksdagen efter 1866* (The Question of the Upper House in the Swedish Riksdag after 1866), Lund, 1916.

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Upper and Lower Houses of the Riksdag (Parliament), and also in large measure in communal elections.

This reform, which became definitively effective in 1909, was gradually applied, first to the elections for the Lower House in 1911. It is not, however, the sytem of 1907 that is now in force, for from that time to the present there have been a number of changes in the regulations concerning the general elections. In the first place, political and communal life has become considerably more democratic, particularly through the abolition in 1918 of plural voting in communal elections (together with an important change in the composition of the Upper House), and through the adoption of woman suffrage in 1919. In the second place, proportional representation has been more widely applied, especially in that in 1918 the autonomous popular assemblies in the rural communes (*kommunalstämmorna*) throughout the larger part of the country were supplanted by representative assemblies (*kommunalfullmäktige*) chosen according to the principle of proportional representation. The public life of Sweden has therefore become thoroughly "proportionalized." Thirdly, the regulations adopted in 1907 were found to be technically unsatisfactory, and so various changes have been made in the method of election and particularly in the technical aspects of the system. In the main, the same principles apply to all elections, and what is said in the following about the conduct of elections to the Lower House will in essentials apply to the Upper House and to the communal assemblies.

For the purpose of elections to the Lower House, the country is divided into 28 election districts, which coincide, as a general rule, with the provinces or local administrative districts. The number of representatives from each district is based upon population, and at present is from 3 to 16. The result of the election is determined within each district for itself, and hence there is no method, as in some other countries, for adjusting the seats according to the total vote in the country as a whole.

Voting is by ballot, on which appears first the party designation (the party name or some other distinctive label), and thereafter the names of the candidates.[3] There are three steps in the counting of the

[3] At elections for the Lower House, a few names may also appear under the party designation (in accordance with a change adopted this year), labeled either as "minority" or as "factional" candidates. The purpose of this is to facilitate coöperation at elections between groups and parties that are closely in sympathy, but that still do not care to give up their independent position. For the sake of

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ballots. In the first place, the ballots are arranged according to the party designation. Secondly, the order in which candidates within each party are to considered for office is determined, according to their absolute numerical order.[4] If the names of A, B, and C are checked on the ballot in that order, then the ballot is not counted for B until A has been elected, nor for C until both A and B have been elected, and so on. If the party as a whole has used the same list, the arrangement of names on this list is the determining factor. If there are different groupings, as often happens, the lists of these respective groups compete with one another, so to speak, within the party, according to their respective electoral strength.[5] In the third place, the seats are distributed among the parties as units, even though split into factions, the d'Hondt plan being followed in this distribution. The votes are counted for each seat separately, and seats are then allotted in turn to the party which, at each count, shows the largest comparative vote. This comparative vote is the total party vote so long as the party has not been allotted a seat; after that it is determined each time by dividing the total party vote by the number of seats allotted plus one.[6] The seats assigned to a party are distributed among its candidates in the order described above.

simplicity, the regulations concerning this matter will be disregarded in this paper, and the party designation will be assumed to be changed finally.

[4] The regulations governing this so-called d'Hondt plan were worked out by the Swedish mathematician, Phragmén. They are found in the laws concerning elections to the Riksdag, sec. 19. Cf. *Proportionsvalssakkunnigas betänkende, II* (Stockholm, 1921), which is the basis for the rules now in force. For the manner in which these regulations work, see especially Von Heidenstam, *Några iakttagelser från 1921 års riksdagsmannaval* (*Some Observations on the Election of Members of the Riksdag in 1921*), Stockholm, 1922.

[5] In the case of minority or factional designations, the result is that these "factionals" in their contests with other "factionals," become important because of their united strength, regardless of the final results within these factional lists.

[6] For example, if the Conservatives cast 10,000 votes, the Agrarians 8,000, the Independents 4,000, and the Social Democrats 21,000, with 7 seats to be distributed, the result would be as follows:

(1) Social Democrats (comparative vote = 21,000)
(2) Social Democrats (comparative vote = 10,500)
(3) Conservatives (comparative vote = 10,000)
(4) Agrarians (comparative vote = 8,000)
(5) Social Democrats (comparative vote = 7,000)
(6) Social Democrats (comparative vote = 5,250)
(7) Conservatives (comparative vote = 5,000)

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In estimating the system of proportional representation in Sweden, several considerations are especially worthy of mention. It has often been alleged in public discussion that proportional representation has strengthened the influence of parties and weakened that of personalities, that it has, in a word, mechanized political and communal life. It is not difficult to understand how this view has arisen, for it is a fact that political life, and also to a certain extent communal life, changed more and more during the last decades from contests between personalities to tests of strength between parties. Twenty-five years ago the party system was still in its beginning. At that time there had already developed to some extent united parties in the Riksdag (parliament), which placed their stamp on the work of that body, and naturally these opposing elements were manifest also at the elections. But the campaigns were not conducted or directed by party organizations embracing the entire country, and communal life was affected even less.

Now the situation is quite otherwise. There are well-developed party organizations, not by any means as effective as those in the United States, to be sure, nor so autocratically organized, but rather depending in great measure upon the intelligent local opinion. However, the parties do appear under all circumstances as units, and what particular persons are elected is of less interest than the number of seats secured by each party. The work of the Riksdag, also, often depends more upon allegiance to a party than upon individual judgments. These are phenomena which are well-known in other countries, and which in general (and this should be emphasized) have not yet become so conspicuous in Sweden as in many other places.[7] They are, nevertheless, regretted very much by those who favor the older ideal of a highly intelligent, free and independent representative assembly, acting on its own best judgment; and hence there is much talk, in these quarters, about a regime of party and boss rule.

It is easy to understand also that people from various quarters should look upon these changes as the result of proportional representation, and a few have for this reason favored a return to the majority system, or at least some modification of the proportional system that would make the elections less partisan.[8] It seems clear to me, however, that greater partisanship would have developed, even though the majority system had been retained. In fact, it does not seem improbable that

[7] The members of the Swedish Riksdag have, on the whole, a very high reputation.

[8] Cf. especially *Proportionsvalssakkunigas*, *op. cit.*, note 4.

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this phenomenon would have been even more marked, had not proportional representation been introduced. Parties are unavoidable, and the majority system requires of the voter a firmer discipline during elections than does the proportional system; for under the rules used in Sweden the individual is permitted to follow his own desires in the choice of persons, without thereby injuring the common interests of the party. It should be noted that the changes in election methods, which have taken place since 1907, were intended to increase individual freedom of choice within the party.[9] It seems clear, therefore, that the strengthening of party ties, which has taken place since 1907, is the result of democratization rather than of proportional representation.

Another question arises concerning the effect of proportional representation upon the party groupings themselves. It is well-known that the majority system has a tendency to hinder the growth of a large number of smaller parties and groups, in that it does not permit them to gain power; and, on the other hand, that the proportional system is unfavorable to the large party organizations of the English or American type. A glance at the political situation in Sweden reveals the fact that the number of parties has grown during recent years until at the present time there are six. Of these the principal parties are the Social Democrats (104 in the Lower House) and the Conservatives (65). In addition there are Communists (5), Independents (23), and Liberals (4), who together make up the remnants of the former dominant Liberal party; and, finally, the Agrarian party (23). The value of proportional representation in producing this result is doubtless in its advantage to the party rather than in promoting party unity. There is no doubt that the method of election used in Sweden secures representation for even comparatively small groups, and it follows that a voter, who desires his vote to count, need not adhere to either of the two larger parties in his district.[9] It may happen, to be sure, as has often been the experience in Sweden, that the stronger parties will be to a certain extent over-represented, but it is not possible, particularly since the election districts were given eight representatives, for the larger parties to swallow up the smaller ones completely.[10]

[9] It was not until 1921 that the "absolute numerical order" was introduced. Before that time a dominant group might, without intending it, completely overturn the expectations of the party leadership, and bring about a meaningless election result. There was, therefore, a strong tendency to avoid such dominance.

[10] The election districts were smaller before 1921. For the general elections in Sweden from 1911 to 1921, see a comprehensive statistical study by Grönlund, in *Statsvetenskaplig tidsskrift*, 1924, pp. 214–257.

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In view of these characteristic features of the system of proportional representation, it is a question whether the development might not have been otherwise if the majority system had been retained. It is a question whether the development might not then have led to less splitting of the representative groups, with the result that a few parties would have become so strong that each might have striven for majority control. This possibility need not be disputed, but one must remember that the development of the party system is not determined solely by the method of election, but also by other circumstances.

The party system in Sweden has always been, to a certain extent, a reflection of the natural division into classes and interests. In order that a few parties should continue to hold a dominant position, despite these divisions in the community, it would be necessary either that these class divisions correspond roughly to party lines, or else that each of the parties be able to arouse confidence and win support independently of class and interest. Neither of these assumptions is entirely warranted in Sweden. There is, to be sure, one class, the industrial workers, which is sufficiently numerous to form the foundation for a party structure of some consequence, namely, the Social Democratic party. But, on the other hand, there is no unified bourgeois group, but rather, as in most countries, a number of diverse classes and interests. Consequently, the natural groupings within the community are not of such a nature as to furnish the foundation for large parties. If the nonsocialist parties should, in fact, become more unified ("bourgeois union" is now often suggested), there would then be a two-party system based upon social distinctions, and therefore not subject to the influence of changing opinions, which in England gave power now to the Tories, now to the Whigs. Such a system would not at all come up to the ideal that was in the minds of opponents of proportional representation several decades ago.

The other possibility is that the parties might win support, to a certain extent, independently of the natural divisions within the community, through the overwhelming power of their principles. It is, in fact, something of this sort that was thought to be possible under the majority system. It was assumed that these principles would bring about party alignments which would not appeal to the interests of any particular class, but which would—as did the Tories and Whigs of the classical parliamentary period—appear as real national parties, seek-

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ing by their programs to compromise the conflicting interests of the classes, which must be done somehow.

It does not seem likely that the majority system would have operated in this way, had it been continued. Even in the countries of its origin, the two-party system has now developed a tendency to split up, and class divisions are more and more evident. In Sweden this tendency would doubtless be more marked, even under the majority system, since large parties based upon important national principles have never actually existed in Swedish history. There are in Sweden no political traditions which would hold together the large party organizations and check the natural tendency to split up into smaller groups. It should be remembered that in Sweden, a country where political liberty has existed at all times as in England, this liberty has pertained more particularly to the various groups in the community, such as the nobility, the clergy, the burghers, and the peasants. The "class Riksdag," made up of these four groups, which existed for more than two centuries before it was replaced by the two-house system in 1865, was a sort of class representation; and during that time it became ingrained into Swedish consciousness that the Riksdag should properly reflect to a certain extent the actual organization of the community. It was not at the elections, but in the Riksdag, that the important decisions were made through agreements between the various groups. The political life of the state centered about the four joint committees (of the Riksdag), where the positive results were obtained by compromising between the different views. Such practices became indelibly stamped on the nation's history.

It is not necessary to determine whether this tradition has been for good or for evil; it need only be stated as a fact. From the abolition of the class Riksdag in 1865 to the electoral reform of 1907, the history of Sweden shows no decided tendency toward the growth of large parties in the English or American sense. During that time, as before, the Riksdag was for the most part a heterogeneous body, composed of a relatively large number of varying groups and points of view, through the compromise of which decisions were reached. The most important factor was always the joint committee of the two houses, and there has never been a situation where one party governed alone. The Swedish people are therefore accustomed to the guaranty against abuse and misuse of power, even though inadequate, which consists in the necessity of reconciling the various elements in every problem before the

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Riksdag. It is true that the Liberal party, which dominated the Lower House during the period before the reform of 1907, seemed, by virtue of its inclusiveness, to promise a party of the English type. But there is no reason to suppose that this condition, which has now entirely disappeared, would have continued had the majority system been retained.

In brief, large national parties are an unknown element in Sweden, and have no root in Swedish traditions. It is, therefore, not correct to say that proportional representation has killed them. Had not the proportional system been introduced, the very social conditions would have prevented the development of such parties; and they would have had to overcome the opposition which arises out of the fact that the two-party system would have required a reorganization, so to speak, of the whole political mechanism.

This distribution in representation, which therefore is an important element in the Swedish state system, is obviously related to the question of the form of government. The Swedish government, as is well known, is in the main of a decidedly dual character, and has often quite justly been compared with that of the United States.[11] In theory the King selects his advisers freely; but for more than three-quarters of a century the Riksdag has had an important influence in the selection of the government, in part negatively, in that the attitude of the Riksdag has actually forced ministers to resign, and in part positively, in that recently the King has found it necessary to seek his advisers among those who have the confidence of the Riksdag.[12]

It is, of course, clear that a parliament so divided as is the Swedish Riksdag can operate negatively more easily than positively. Since there has rarely been a party which alone controlled a majority in the Lower House (and never one which at the same time controlled both houses), it is not easy to obtain a positive expression of the desires of the Riksdag with respect to the conduct of the government. The situation is the more complicated in that, with respect to the selection of the government, account must be taken of the party situation, not only in the Lower House but also in the Upper. The principle that both houses

[11] Fahlbeck, *Sveriges författning och den moderna parlamentarismen* (*Sweden's Constitution and Modern Parliamentarism*), Lund, 1904; Rexius, *Presidentmaktens renässans i Förenta Staterna* (*The Renaissance of the Presidency in the United States*), Uppsala, 1916.

[12] Kihlberg, *Den svenska ministären under ståndsriksdag och tvåkammarsystem* (*Swedish Ministries under the Class-Riksdag and under the Two-House System*), Uppsala, 1922.

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are of equal authority is not mere empty form in Sweden.[13] Every government desires at least to be able to count upon a majority of the total membership of the Riksdag (150 in the Upper House and 230 in the Lower), because in the so-called "joint voting," when the votes of both houses are counted together, budget matters could be decided in spite of the opposition of one house. For several decades, however, it has been the fixed rule that the government should be supported in one way or another by the dominant political group; to this extent it may be proper to call the Swedish system parliamentary. But the rule is very uncertain in its application, and one cannot demand that a party shall have an absolute majority in order to form a government, for that condition, as suggested, has never been realized. The specific situation at each governmental crisis becomes the determining factor, and most often the conditions are such that various solutions are possible.

It is, therefore, in respect to this matter that the most noteworthy consequences result from the party divisions in the Riksdag. A government based upon one majority party has not been seen in the recent history of Sweden. Lindman's Conservative government (1906–1911) had a majority in the Upper House and on joint ballot, but not in the Lower House. Staaff, at the height of his Liberal government (1911–1914), had a strong center party to build upon, and could get support on various questions from the Right or the Left ("jumping parliamentarism"), but he did not have a majority.

In default of majority parties, a coalition of parties may naturally serve as a support for a government. Such a situation existed from 1917 to 1920, when Eden relied upon a strong majority of Liberals and Social Democrats in the Lower House, and at the same time controlled the joint voting. Since that time the difficulties have become almost chronic. The present government is the fifth since the spring of 1920, and one of them, resulting from an especially chaotic situation in 1921, was an experiment in unparliamentary government. The other four have been more or less characteristic party governments, supported by minorities and therefore compelled to govern by continual negotiations and agreements with other parties, particularly with the Center parties, which have therefore (like the "wagon tongue") gained an influence out

[13] Before 1918, while the Upper House was still based upon the "census", and the Lower House was thus numerically the most representative of the popular will, the Left parties maintained the principle of "Lower House Parliamentarism." Since both houses are now about equally democratic, it is generally acknowledged that the Upper House should be completely equal in authority to the Lower.

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of proportion to their numerical strength. One of these (that of Trygger, 1923–1924) relied upon the Right, as did Hammarskjöld (1914–1917) and Swartz (1917). The other three were Social Democratic (with Branting as premier), and have in each instance had a larger number of votes to rely upon, but not a majority. They have, therefore, in spite of the gradual tendency toward a majority position, been compelled to seek support from other parties, and as a result have each time met greater rather than less difficulties.

There are thus seen to be many tendencies in Sweden at the present time toward weakness in the government. The crux of the situation is clearly in the Riksdag and more particularly in the joint committees (as above described), which at present may be characterized as more powerful than ever before. The situation approaches more nearly "congressionalism" than parliamentarism, and the cause is in the party divisions and in the absence of majority parties. It cannot be denied that this condition is accentuated by proportional representation; but, in view of Swedish political traditions, it seems doubtful, as has already been suggested, whether the Riksdag, if constituted under the majority system, would show so much more of a disposition toward harmony as to serve as a foundation for parliamentarism along the lines of the English system. One may be doubtful on that point, when one considers that the entire history of the Riksdag, extending over centuries, does not show a single instance of a strong government on the parliamentary basis. The whole history of Sweden confirms the well-known theory that it is difficult to build an authoritative government on a democratic foundation.

Proportional representation is still too new in Sweden for one to pass sure judgment on its working and on its prospects for the future. As has been shown, there are various elements that are always critical of it. In spite of criticisms of the manner in which the principles have been applied, and in spite of observations with respect to the serious consequences in important districts, there is no doubt that the people in general are fairly well satisfied with the system itself. No party advocates a return to the majority system; and the best proof that proportional representation is sound is in the fact that its fundamental principle (complete justice to all parties) accords so well with Swedish political traditions. This fundamental idea manifestly has no *a priori*, universal validity. In other countries it is considered quite proper that smaller parties should be completely vanquished, and that the domination of the victor should be complete. That point of view has doubtless much

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in its favor under certain circumstances, but is inconsistent with Swedish thinking. There are in Sweden deep-rooted ideas about the right of the different classes, groups, and opinions to share in the government, and the Swedish people are satisfied that proportional representation promotes this just principle.

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The German Presidential Election. The recent presidential elections in Germany aroused world-wide interest in spite of the strictly limited constitutional powers of the president. For the first time the German voters were privileged to select the chief executive of the state.[1] The question whether they would turn to some one in sympathy with the pre-war regime or would select an adherent of the Weimar republican constitution was one the answer to which might have important bearings on European politics. Moreover, the personalities of the candidates, especially in the second election, were such as to add to the interest which both Germany's friends and foes felt in the outcome. The election of General Hindenburg, although it probably had less significance than was attached to it in many quarters, must be recognized as one of the major political events of post-war European history.

Shortly after the death of President Ebert on February 28 the party leaders began to make preparations for the coming elections.[2] The parties of the left advocated, not only an early election, but also the passage of a special law providing for a temporary president, on the ground that it was undesirable for the Chancellor to occupy also the presidential office for the period of two or three months.[3] Both these suggestions were accepted by the government. On March 9 the Reichstag set

[14] Translated by Fred Berquist, of the Robert Brookings Graduate School of Economics and Government, and Clarence A. Berdahl, of the University of Illinois.

[1] The first president, Frederich Ebert, who died February 28, was chosen by the Weimar Constituent Assembly in 1919.

[2] According to the German Constitution the president is elected for a full term of seven years. There is no vice president; hence in case of the death of the president an election is ordered at once. In the meanwhile the Chancellor acts as President.

[3] *Frankfurter Zeitung*, March 3, 4–7; *Vossische Zeitung*, March 3. In the issue of March 6 the Democratic leader, Anton Erkelenz has an article in favor of a temporary president.

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March 29 as the date of the first election, and April 26 as that of the second. On the following day it selected Dr. Walter Simons, president of the *Reichsgericht* or national court, to serve as chief executive until after the election of the new president.[4]

The Communist party was the first to set up a presidential candidate. Since this party is an irreconcilable group, it made no efforts to come to an agreement with other parties, and on March 3 the central committee of the party nominated Ernst Thaelmann of Hamburg, transport worker and member of the Reichstag, as its candidate.[5]

Among the other parties there were protracted conferences relative to the possibility of the selection of a candidate acceptable to all groups. On both the right and the left the desirability of such a course of action was recognized and strongly urged. Both sides spoke in favor of the selection of a candidate who would stand above partisanship[6] and made serious efforts to bring about this result. However, it was found impossible to bring the right and left groups together. The two leading parties of the right, the Nationalist and the People's, were interested primarily in defeating the Social Democrats. To accomplish their purpose they were willing to support a candidate acceptable to the Centrists and the Democrats. In other words their efforts were directed toward the perfecting of a so-called "bürgerbloc." Against this policy the Democrats took a strong stand.[7] They also expressed the wish for a coalition of parties but insisted upon a joint candidate definitely committed to the maintenance of the republican constitution. They really wished a joint candidate supported by the Weimar coalition of Social Democrats, Democrats and Centrists. The Center party again held the balance of power. But the Center, with its followers ranging all the way from conservatives to radicals, found great difficulty in making a decision. Ultimately the left wing of the Center determined the party's policy, but not until after the Social Democrats had nominated their own candidate and thus prevented the Weimar coalition from entering the first contest with a joint candidate.[8] Had the Center immediately selected Marx as its candidate the Socialists and Democrats would probably have supported him in the contest of March 29.[9]

[4] *Frankfurter Zeitung*, March 10, 11.
[5] *Frankfurter Zeitung*, March 4; *Rote Fahne*, March 3.
[6] *Frankfurter Zeitung*, March 3; *Vossische Zeitung*, March 3.
[7] See editorial by Bernhard in *Vossische Zeitung*, March 3.
[8] *Frankfurter Zeitung*, March 8, 9, 10.
[9] *Germania*, March 8; *Frankfurter Zeitung*, March 8, 9.

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Although the People's party and the Nationalists tentatively put forward Dr. Karl Jarres, mayor of Duisburg and vice chancellor in the Marx ministry, as their joint candidate as early as March 3, it was not until March 12 that the nomination was made definitive. During the intervening days the two parties of the right carried on negotiations with the Centrists and Democrats in the hope of reaching an agreement for a joint candidate of the bourgeois groups. The organization which took the lead in these party conferences was the so-called Loebell-*Ausschutz*, a committee made up of representatives of the Nationalist, People's, and Bavarian parties, and the Economic Alliance.[10] This committee, although most of its members favored the Jarres candidacy, repeatedly considered other possible candidates upon whom all non-socialist parties might unite. At first the name of Stegerwald, conservative Centrist, was considered.[11] If the Center had chosen Stegerwald the parties of the right would doubtless have abandoned Jarres. This, however, the Center refused to do, chiefly because of the popularity of Marx but also because it could not allow others to dictate its policies.[12]

On March 9, the Democratic party, through its executive committee, sent a communication to the various party organizations, including the Loebell committee and the Social Democratic party, suggesting that all groups agree to support Dr. Simons for the presidency.[13] That there was no intention on the part of the Democrats to bring about the bürgerbloc was shown by the fact that the communication was sent to the Social Democrats in the hope that they might reconsider their previous decision to support Dr. Otto Braun, formerly prime minister of Prussia.[14] In reply to this suggestion of the Democrats, the Loebell committee called the Centrists and the Democrats to a further conference, to which, however, the Social Democrats were not invited. At this conference the parties of the right refused to accept Simons or Marx, while the Democrats remained firm in their opposition to Jarres. It was then suggested that Dr. Gessler, the minister of defense, be selected

[10] *Frankfurter Zeitung*, March 13.

[11] *Vossische Zeitung*, March 11; *Frankfurter Zeitung*, March 8 and 9.

[12] On March 8 *Germania* said, "Perhaps we would have no objection to Stegerwald's candidacy if the party itself should decide upon it, but it is impossible to allow the parties of the right to dictate to us our party's policy."

[13] *Frankfurter Zeitung*, March 10; *Vossische Zeitung*, March 10.

[14] *Ibid.* The Republican organization known as Schwartz-Rot-Gold made repeated efforts to bring the Social Democrats, Democrats, and Centrists together in support of a republican candidate. See *Vossische Zeitung*, March 11.

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as a compromise candidate. The Loebell committee accepted this proposal on condition that the Centrists and Democrats should do likewise. Although Dr. Gessler is a member of the Democratic party, he was strenuously opposed by the leading Democratic papers, on the ground that his nomination would in fact result in what the parties of the right had constantly sought to accomplish, the establishment of a bourgeois bloc.[15] Gessler's nomination was likewise opposed by Dr. Stresemann, leader of the People's party, who throughout the party conferences remained the most vigorous supporter of Dr. Jarres. Finally all attempts at agreement were abandoned and the several republican parties, as well as some parties farther to the right, nominated separate party candidates and thus made practically certain that no candidate would receive the absolute majority required by national law in the first election.

In the contest of March 29 there were seven candidates: Otto Braun, Social Democrat; Dr. Heinrich Held, Bavarian People's Party; Dr. Willy Hellpach, Democrat; Dr. Karl Jarres, supported by Nationalists, People's party, the Economic Union, and various small groups of the right; General Erich Ludendorff, Extreme Nationalist (Völkische); William Marx, Center; and Ernest Thaelmann, Communist. The German Hannoverian party gave its support to Premier Held of Bavaria as the only federalist candidate.[16]

The groups supporting Jarres, organized for the campaign into the so-called Reichsbloc, repeatedly called attention to the fact that their candidate was the only one supported by numerous groups, and on this ground they spoke of him as the only really national candidate against whom were arrayed the several party candidates.[17] The Reichsbloc adopted as its campaign slogan: "*Die Einheit der Deutschen, die Reinheit des öffentlichen Lebens, das Staatswohl über den Parteigeist! Ein Weg, Ein Wille!*"[18] Jarres carried on an active campaign and spoke in numerous cities. He and his followers strenuously denied that the issue of the campaign was Republic v. Monarchy, as some of their

[15] See *Frankfurter Zeitung*, March 12 and 13; *Vossische Zeitung*, March 13.

[16] *Preussische Kreuz-Zeitung*, March 18.

[17] See article by Count Westarp in *Preussische Kreuz-Zeitung*, March 15. Also the party call of the People's party, *Die Zeit*, March 18.

[18] *Preussische Kreuz-Zeitung*, March 15; *Der Tag*, March 15; *Die Zeit*, March 15; *Deutsche Allgemeine Zeitung*, March 17. For critical comments on the Reichsblock see *Frankfurter Zeitung*, March 15; *Vorwärts*, March 15.

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opponents claimed,[19] and insisted that he stood only for the upbuilding of German political and economic life.

The campaign was characterized by intense bitterness and many personal attacks. Jarres was accused of having favored temporarily renouncing the Rheinland and then winning it back at the point of the bayonet.[20] He was designated *"Versachungspolitker"* and he in turn called his opponents by the same name.[21] The claim of the Democratic party that their candidate Hellpach represented the best in German culture was singled out for ironical attack by the parties of the right.[22] The republican parties emphasized the fact that numerous reactionary organizations, such as Werwolf, Stahlhelm, and Wiking were supporting Jarres, and that for this reason the candidate for the Reichsbloc should be recognized as an exponent of reaction.[23] Marx carried on his campaign in a very quiet manner. He made but few speeches. According to the *Germania* he understood better than his opponents the proprieties that should characterize a presidential campaign.[24]

The religious issue was injected into the campaign and aroused great bitterness. Pleas for the election of Jarres on the ground that he was the representative of the Evangelical faith were made in ultra-conservative quarters.[25]

The official result of the election of March 29 was as follows:[26]

The total number of valid ballots was	26,856,002
Braun	7,798,346
Held	1,006,790

[19] In his speech of March 18 in Berlin Dr. Jarres denied that he represented any particular party or economic interest and said that he would live up to the oath of office required by the Weimar constitution. He admitted, however, that he did not consider the existing constitution ideal, and that many of its provisions needed amendment, an opinion which as reported in the *Kreuz-Zeitung*, March 19, was followed by *"Stürmischer Beifall und Händeklatschen"*. He also stated that, while the colors of the existing republic demanded respect, the old colors, Black, White, Red, should be honored as the symbol of past achievements. This address was scathingly criticised by *Vorwärts*, March 19 under the caption, "Jarres reveals himself." See also *Frankfurter Zeitung*, March 18, 20, 21; *Vorwärts*, March 28, 29.

[20] *Vorwärts*, March 19; *Frankfurter Zeitung*, March 24.

[21] *Der Tag*, March 21, 22, and 23; *Die Zeit*, March 19, 20; *Deutsche Allgemeine Zeitung*, March 24.

[22] *Der Tag*, March 23, 24, 26.

[23] *Vorwärts*, March 15, 17, 18.

[24] March 26.

[25] See *Preussische Kreuz-Zeitung*, March 28.

[26] *Die Zeit*, March 31.

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Hellpach	1,567,197
Jarres	10,408,365
Ludendorff	284,975
Marx	3,884,877
Thaelmann	1,871,207
Scattering	34,245

Only about seventy per cent of the eligible voters went to the polls, as contrasted with the eighty per cent who voted in the December Reichstag election.[27]

Several definite conclusions were drawn from the outcome of the first balloting. In the first place, all the republican leaders saw the futility of separate candidacies. Jarres had received almost three million more votes than Braun, the Socialist candidate. This fact and the requirement of only a plurality in the second balloting insured a joint candidate supported by Centrists, Democrats, and Socialists.[28] Secondly, the Reichsbloc was disappointed with the showing made by Jarres, and immediately after the election began to search for a more popular candidate to meet the republican candidate.

The Center party at once decided to renominate William Marx for the second election set for April 26,[29] and it was generally recognized that the Democrats and Socialists would support his candidacy.[30] All of the difficulties in the way of this course were removed when the Centrists and Democrats agreed to support Otto Braun, Socialist, for Minister President of Prussia and thus to solve the long-standing cabinet crisis in Prussia.[31] On April 3 Marx was proclaimed candidate of the Volksblock.[32]

Among the parties of the Reichsbloc protracted conferences concerning candidates were again held. Stresemann, through his organ, *Die Zeit*, had stated even before the balloting of March 29 that Jarres would again be the candidate in case a second contest should be necessary.[33] He continued to stand by his candidate, and on April 1 the executive committee of the People's party unanimously endorsed the Jarres candidacy.[34] Among the Nationalists, however, there was no great

[27] *Political Science Review*, May, 1925, p. 368.
[28] *Vossische Zeitung*, March 31.
[29] *Germania*, March 31.
[30] *Vossische Zeitung*, March 31.
[31] Braun was elected head of the Prussian government by the narrow majority of four votes in the Landtag, *Vorwärts*, April 3.
[32] *Vossische Zeitung*, April 4; *Germania*, April 4.
[33] *Die Zeit*, March 24.
[34] *Die Zeit*, April 2, 3, 4, 6.

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enthusiasm for Jarres. Persistent attempts were made to bring about the nomination of Field Marshall von Hindenburg, and these efforts were finally successful. On April 8 it was officially announced that Hindenburg, after twice refusing to consider the presidential nomination, had finally consented to accept the nomination at the earnest soliciation of Admiral Von Tirpitz.[35] The Bavarian People's Party was an important factor in promoting Hindenburg's nomination. This party, though opposed to Jarres, strongly endorsed Hindenburg.[36]

The nomination of Hindenburg was received with unbounded enthusiasm in ultra-conservative circles.[37] He was lauded as the man who above all others deserved respect of the German people. An editorial in the *Kreuz-Zeitung*[38] declared that Marx was a small-party politician compared with Hindenburg, the maker of history. The republican parties, however, considered the nomination of Hindenburg a serious political blunder. *Vorwärts* called it a serious blow to Germany's foreign relations; stated the issue as monarchy and war or republic and peace; and thought its advocates depended upon sentimental sympathy for an old soldier who had had the misfortune to lose a great war.[39] The *Vossische Zeitung* deplored the fact that an old man who had hoped to spend his remaining days in peace had been forced into campaign for a position for which even his best friends admitted he had no aptitude and called upon the German voters to mitigate the error of the Reichsblock by electing Marx.[40]

The second campaign was more bitterly fought than the first. The campaign cry of the republicans was republic or monarchy.[41] Their opponents called this a false issue, although their candidate was generally recognized as a monarchist at heart, as were doubtless the vast majority of his supporters.[42] The republican speakers stressed also the dangerous results that would follow the election of a president recognized abroad as the very embodiment of German militarism,[43] while the

[35] *Die Zeit*, April 8, *Preussische Kreuz-Zeitung*, April 9.

[36] *Die Zeit*, April 7, 8.

[37] *Preussische Kreuz-Zeitung*, April 9; *Der Tag*, April 9; *Deutsche Allgemeine Zeitung*, April 9, 10.

[38] March 9.

[39] April 9.

[40] April 10.

[41] Speech of Marx in Königsberg, *Germania*, April 15; and in Stettin, *Ibid.*, April 16.

[42] *Deutsche Allgemeine Zeitung*, April 15.

[43] *Germania*, April 15.

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Reichsbloc newspapers and campaign orators called attention to Hindenburg's statements in favor of peace.[44] In many districts strong anti-Catholic feeling was aroused by Protestant organizations campaigning for Hindenburg.[45]

The campaign in many respects resembled an American presidential election. There were great parades and many public meetings, at which party leaders and the candidates addressed the voters on the issues of the campaign.[46] Even Hindenburg was induced to make a few pronouncements. Just before the election both he and Marx made appeals by radio.

That the strenuous campaign succeeded in arousing the voters was indicated by the fact that 30,351,948 valid ballots were cast. They were divided among the candidates as follows:[47]

Hindenburg	14,655,766
Marx	13,751,615
Thaelmann	1,931,151
Scattering	13,416

Eighty per cent of all those eligible to vote went to the polls, as compared with somewhat less than seventy per cent who voted in the election of March 29. Marx received a half million more votes than did the three republican candidates in the previous contest, while Hindenburg received almost three million more votes than did Jarres, Ludendorff, and Held together. Evidently the nomination of Hindenburg was just what was needed to bring the German voters to the polls.

The result of the election caused great rejoicing among the followers of the Reichsbloc, who saw in it evidences of the restoration of the old German spirit of nationalism.[48] Their enthusiasm was, however, slightly dampened by the new president's inaugural address of May 12, in which he definitely stated that the oath he had just taken was one to uphold the republic.[49] Although Hindenburg was elected by those who believe in the monarchial principle, Georg Bernhard, editor of the *Vossische*

[44] *Deutsche Allgemeine Zeitung*, April 15.

[45] Germania, April 22; *Vossische Zeitung*, April 25.

[46] *Germania*, April 18.

[47] *Die Zeit*, May 5.

[48] *Der Tag*, April 27, considered Hinderburg's election a victory of the black-white-red Germany over the black-red-gold symbol of the republic and revolution, a victory of political reason, of purity in public life, and of the glorious traditions of Germany.

[49] *Vossische Zeitung*, May 13; *Berliner Tageblatt*, May 13.

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Zeitung, declared on the day after the inauguration: "Yesterday the monarchic idea in Germany lost its significance."[50]

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University of Pittsburgh.

Jugoslavia in the Making. Both Serbs and Croats have deserved more conciliatory and understanding leadership than they have received since the war. History had treated them very differently, and once they were united in a Jugoslav national state every resource of statesmanship should have been exercised to ease over their psychological and material dissimilarities. Writers have made much of the religious gap between Catholic Croats and Orthodox Serbs, and of the former's use of the Latin alphabet and the latter's of the Cryillic. The fact remains that they are of the same race, speak the same language, and for generations dreamed of union and worked for it. The difference between them is one of training and is to a large degree temporary.

The Croats, inhabiting a land of fertile plains and broad sluggish rivers, were accustomed to seeing their politicians go up to Vienna and Budapest as to the stronghold of an enemy, and there play, as a matter of course, a rôle of obstruction and opposition. They have found it difficult to adopt more positive and constructive habits. For the people of the remote Balkan principality of Serbia, politics was something much more real and much more hard; they struggled against Turk and Hapsburg over a hundred years before they succeeded in achieving their own complete independence, and with it the independence of the other Jugoslavs who had been under German and Magyar rule. It is hard for them to realize fully that the fight is now over and that qualities of compromise are needed. Among the Croats—more western than the Serbs, more versed in the ways of business life, but perhaps with less positive moral force—there has been a disposition to talk about the old days when trains were run better, when living was cheaper, when comfortable hotels awaited politicians at Vienna and Budapest instead of those of unkempt Belgrade, and when political life offered just as many chances for oratorical display, but with lighter responsibilities. In Serbia, on the other hand, there has been noticeable a feeling of rather

[50] *Ibid. Vorwärts*, however, declared, "The President who was elected by monarchists, spoke yesterday as a republican, the president who was elected by the Nationalists spoke as a pacifist . . . . After the election the victor declares himself in favor of all the principles approved by his opponents. *Das ist der Januskopf, mit dem die Aera Hindenburg in Erscheinung tritt.*" May 13.

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supercilious envy toward the fortunate sections of the country which were not ravaged by the enemy and which could not claim, except in notable individual cases, much of the glory for the outcome.

Since the beginning of the war, Serbia's destinies have seldom been out of the hands of Nikola Pashitch, now over eighty, an inveterate enemy of all Serbia's enemies, whether Turk, Bulgar, Austrian or Magyar, a man of unusual authority and perspicacity in party politics, a towering relic of old Balkan days when every man's hand was against his neighbor, and the Devil, or one of the Great Powers, took the hindmost. He carried Serbia through the war and fought her battles at the Peace Conference. He accepted, though with less enthusiasm than some, the achievement of Jugoslav national unity, and he became the first premier of the new kingdom in which his more familiar Serbia was merged. What doubts he had regarding the durability of the new structure led him naturally to bend every effort toward strengthening and consolidating it. Knowing that there were persons of influence in the state who had fared better under the old regime than they were likely to do under the new, and that the country was surrounded by former enemies ready to take advantage of the first sign of weakness, he pressed for the creation of a strong central government, able to override forces of disintegration within and presenting a united front, diplomatic, military and commercial, toward threatened aggression from without. The constitution which he had Parliament adopt erased the old historic frontiers, supplanted the provincial diets by one legislative body, and otherwise sought to centralise authority in Belgrade. It can fairly be said, however, that, whatever the first necessities for national consolidation, the process was pressed much too fast and carried too far.

Croat particularism found its chief protagonist in Stefan Raditch, a Zagreb bookseller who was already viewed with suspicion in Belgrade because he had been a supporter of the Hapsburgs during the war. Raditch displayed immense activity and ability in organizing the peasants of Croatia into a party of which he became the absolute arbiter. Under his voluble direction, Croat opposition to the centralist tendencies of the Jugoslav government grew into republicanism and separatism. It is difficult to judge how much the Croat peasant cares about either principle. There are plenty of stories of peasants who shout for a republic, and when asked to name their candidate for first president say, with some surprise, why Alexander Karageorgevitch, of course. Even if such tales are true, they prove little, except that the

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peasants are easily influenced by demagogy. Nevertheless, few persons who have travelled much in Croatia since the war, who have talked with the Croatian political and intellectual leaders and with the peasant deputies elected to Parliament, have ever really believed either that Croatia is likely to try seriously to split off from Serbia or that, so long as Serbia retains her present dynasty, Croatia will do more than talk about a republic.

In the 1923 elections, after a campaign in which they claimed to have been very badly treated, 70 Raditch deputies secured election to Parliament; but, by a cardinal error of tactics, they did not present themselves at Belgrade. Raditch had already at that time begun his propaganda for a Croat Peasant Republic, but the mandates of his deputies would nevertheless have been ratified without question. By abstaining from parliamentary life he not only laid himself open to very proper criticism but he left his opponents free to direct the policy of the country and to pass several repressive laws against communism, from the application of which he himself has suffered:—held for trial in the Zagreb jail on charges of negotiating with enemies of the state, including the Moscow government, representatives of Admiral Horthy, and Todor Alexandroff, the Macedo-Bulgar comitadji leader, as well as of speaking against the King, libeling the army, and urging men approaching military age not to present themselves for service.

Not without reason, in view of his activities, Raditch in July, 1923, thought himself in danger of arrest and left the country. Meeting with rebuffs both in Paris and London, he proceeded to make his second cardinal error. Figuratively thumbing his nose at the western powers, who had refused to internationalise the Croat question, and at Pashitch, left in undisputed power at Belgrade, he went angrily off to Moscow. There he joined the Peasant International; and on August 3, 1924, the Croat Peasant deputies, in session at Zagreb, approved the party's membership in the International also. Inasmuch as Smyrnov, commisar for agriculture in the Soviet government, is president of the Peasant International, and since the latter's headquarters are in Moscow and its foreign activities are often carried on through the emissaries of the Soviets, the subsequent protests of Raditch that he is in no sense a communist did not meet with general credence. Personally, however, I have always inclined to think him quite truthful in this. Certainly his peasant constituency is not communist, nor are political associates of his, such as Dr. Trumbitch. It seems more probable that he went to Moscow in the naïve hope of scaring Belgrade and of using Moscow as a pawn in his political manoeuvres.

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The action of the Croat Peasant party in officially aligning itself with the Peasant International came, as will be seen, at a disastrous moment. For a long time the King and many moderate Serbs had been disturbed by the continued absence from Parliament of the Croat Peasant representatives. In the spring of last year Raditch belatedly appeared to realize that he had an opportunity of coming to power if he could make a deal with the other opposition groups,—in particular the Serb Democrats under Davidovitch and the Slovenes under Koroshets. He decided, as a first step, to send twenty of his deputies to Parliament. Pashitch by now was thoroughly aroused against Raditch, but after some argument consented that the twenty should take their seats. Raditch then sent up another block of deputies. Pashitch saw that if all the Raditch deputies were admitted his majority would disappear, so he adjourned Parliament (as he technically had a right to do) and requested authority from the King to hold new elections.

The King was in a difficult situation. He owed much to Pashitch, but he saw the danger of slamming the door in the face of the Croat deputies whom he so much wished to get back into parliamentary life. The opposition had been in a minority because Raditch had refused to participate, but supposing that they could all unite they would be a majority. The King felt that in this unusual situation he was justified in going beyond the technical limitations of his position. He consulted the president of Parliament, Ljuba Jovanovitch, and being given Jovanovitch's opinion that Parliament could still work he accepted Pashitch's resignation, refused him authority to hold new elections, and entrusted the formation of a more or less neutral cabinet to Jovanovitch. Jovanovitch's attempt having failed, the King consulted Davidovitch, leader of the Serb opposition, and was assured by him that he could secure the collaboration of Raditch on terms not detrimental to the safety of the state, *i.e.*, a definite program was to be drawn up, specifying that the monarchy and the union were to be preserved. Thereupon he entrusted to Davidovitch the powers of government. The King's courage and good sense in thus finding means for giving an opportunity to the opposition to form a cabinet and settle the Croat question have not been sufficiently recognized.

The intransigence of Pashitch had been circumvented. Raditch's erratic habits and lack of political sense were now to block the path to understanding. The reply to the first efforts of Davidovitch to get the Croat leader's coöperation on any program falling within the general bounds of his undertaking with the King was the action of the Peasant

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Party in definitely joining the Peasant International, as already described. Instead of seizing the proffered opportunity to work out the Jugoslav constitutional question in Parliament, Raditch seemed to think it a sign of weakness and intensified his attacks on the army and his propaganda for a separate Croat republic. The King became uneasy, but in reply to his repeated urgings that Davidovitch agree upon terms with his prospective collaborator he received nothing but assurances that the matter was under way and that all would be well.

Davidovitch had come to power in July; it was now October, and still nothing definite had happened. Raditch was accustomed to make a fiery harangue each Sunday. On the Saturday following one of his talks with the King, Davidovitch sent a special emissary to Zagreb to beg Raditch to use moderation in his speech the next day, pointing out that the whole project of collaboration between the Serb opposition and the Croat Peasant Party was on the point of collapse. That Sunday's speech was the one in which Raditch, in particularly violent terms, asserted that the Government was squandering 10 billion dinars a year to maintain a vast army of 300,000 soldiers. As the Budget Law decreed that there should be 134,764 men of all ranks in the army, and 3,224 men of all ranks in the navy, and provided less than 2 billion dinars a year for their combined support (or less than one-fifth of the sum mentioned by Raditch), the minister of war in the Davidovitch cabinet resigned, protesting that he could not continue in a government predicated on a man whom he considered such a mischievous liar. As even at this crisis Raditch could not restrain himself, the King reminded Davidovitch that he had given him a mandate to form a cabinet on his assurance that it would be a majority government in which all the former opposition groups took their share of responsibility, pointed out that the collaboration of Raditch had not been secured and evidently could not be secured, and said he saw nothing for it but for Davidovitch to admit failure. But he told Davidovitch that if he chose to make a public statement detailing precisely what had occurred he would believe that Davidovitch had tried conscientiously to carry out his undertaking to the Crown, and that he would feel justified in asking him to remain in office and organize new elections. Davidovitch accepted, but in the statement which he drafted showed that he still dreamed more of conciliating Raditch than of facing the situation frankly and carrying his program energetically to the country. The King felt he had now no resource but to ask for Davidovitch's resignation.

Efforts then undertaken to form a coalition cabinet failed, in part

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because of the general anger provoked in Serbia by a speech in which Raditch went further than he had dared go before in defining his relations with Moscow. "The Soviet Government," he said, "has promised me, through the medium of Chicherin, that it will help us if we are threatened. In such a case we shall oppose the Belgrade rule with all our strength." The King by now was rather tired of his efforts to give the opposition a chance to try its hand at settling the Croat question. He saw that Raditch had let Davidovitch down, and that Davidovitch had in turn let him down. He turned back to Pashitch (who, after all, represented the largest single group in Parliament) and instructed him to form a cabinet and hold the elections which, at the request of Davidovitch, he had refused to allow him to hold several months earlier.

In the new elections, held on February 8, Raditch about held his ground, but Pashitch, by cutting into several minor groups, increased his representation from 131 to 162, which constituted a small but absolute majority. The prospect indeed looked dark for the Croat Peasant Party, stigmatised as communists and with their leader in jail. The Pashitch forces, rejoicing, declared they would validate none of the mandates of the Raditch members unless they specifically repudiated Moscow and disowned Raditch himself. It was a critical moment. At the advice of many party leaders, including Foreign Minister Nintchitch, Pashitch did not hold to the letter of this demand, and accepted a statement in Parliament by Raditch's nephew, Pavle Raditch, that the Peasant Party is not communist, that it recognizes the union and the monarchy, and that it promises to use parliamentary means in its efforts to change the existing Constitution. Parliament forthwith voted to seat all the Croat members elected for the first time on February 8, undertook to make an investigation into the communist activities of the thirty members who were reëlected (and who had been affiliated officially with the Peasant International), and only invalidated definitely the election of Raditch himself and four lieutenants held in jail for trial on specific charges of treason. On June 22, the thirty delegates-elect whose admission had been in doubt, were seated; and a despatch of July 15 states that a new cabinet is to be formed under Paschitch, in which the followers of Raditch will have five portfolios.

The result confirms the opinion that the fight has been far more essentially political than some foreign observers have imagined. For

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the moment, at any rate, a happier complexion has been given a situation which not long ago was being interpreted in some quarters as marking the beginning of a period of open warfare between Serbs and Croats, with the dissolution of the state itself as a possible consequence. Personally, I do not believe that the Jugoslav union has been, or is, in question. The internal disagreements of these years are not part of a process of disintegration but of the process of building up. I hope that 138 years after the convoking of her first Constituent Assembly (on which occasion, in 1919, I had the good fortune to be present) Jugoslavia will be at least as united as our country seems to be 138 years after the meeting of the Continental Convention which in 1787, six weary years after Yorktown, drew up our Constitution. If it does not make such rapid progress there will be excuse and enough, because whereas we were left more or less alone in our struggle to agree among ourselves as to our machinery of government, Jugoslavia must wash her dirty linen in a small back yard, surrounded by a ring of alert neighbors intent on knocking down the clothes poles and urging the bad boys of the family to stamp the freshly-hung wash back into the old Balkan mud.

HAMILTON FISH ARMSTRONG.

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NEWS AND NOTES

Personal and Miscellaneous

EDITED BY FREDERIC A. OGG

University of Wisconsin

The next annual meeting of the American Political Science Association will be held in New York City on December 28–30. The headquarters of the Association will probably be at the Hotel Pennsylvania. The chairman of the program committee is Professor A. N. Holcombe, of Harvard University. The American Economic Association and the American Sociological Society will be in session in New York on the same days. It is expected that the usual arrangement for a fare and a third will be procured from the railroads.

Professor Charles G. Haines has resigned from the Law School of the University of Texas to become professor of political science in the University of California, Southern Branch.

Dr. Isador Loeb, formerly professor of political science and at one time acting president at the University of Missouri, has become a member of the faculty of Washington University, St. Louis.

Dr. Thomas Reed Powell has resigned the Ruggles professorship of constitutional law at Columbia University to accept a similar position in the Harvard Law School. His successor in the Ruggles professorship is Dr. Howard L. McBain.

Professor James W. Garner, of the University of Illinois, delivered three addresses at the University of Nebraska, April 30 and May 1, as follows: Outlook of International Law, before the Faculty Club; Proposals for International Peace, at convocation; and Education in International Affairs, before the Phi Beta Kappa and Sigma Xi societies.

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Drs. William Anderson and Harold S. Quigley, of the University of Minnesota, have been advanced to the rank of professor. Mr. C. Walter Young, instructor in the same institution, has been awarded the Willard Straight scholarship for study in the Far East.

Professor Herman G. James, of the University of Texas, has been appointed dean of the college of liberal arts and head of the department of political science at the University of Nebraska.

Professor Quincy Wright, of the University of Chicago, has been granted a traveling fellowship by the Guggenheim Foundation and will make a study of the mandate system in the Near East. Professor Wright will be in Europe from August until the end of the year. Dr. Leonard D. White has been advanced to the rank of professor. Dr. Harold F. Gosnell has been granted a leave of absence for a year, during which time he will study factors determining the extent of popular participation in elections in England, Belgium, and Germany.

Professor James M. Richardson, of Dartmouth College, was a member of the New Hampshire House of Representatives during the session of the past winter, serving as chairman of the committee on railroads, member of the judiciary committee, and member of a joint committee to investigate and report on the organization and management of the various state departments and institutions. Since the close of the session he has been appointed chairman of a commission of five to investigate the subject of bank taxation and report to the next legislature.

Professor Albert H. Washburn, of Dartmouth College is now on leave of absence serving as American minister to Austria. Mr. Washburn resigned this position in March, but at the request of the state department will continue at Vienna for another year.

Mr. Charles W. Mackenzie, of the political science department of Dartmouth, will spend the coming year in research work on a special fellowship granted him by the college.

Mr. M. L. Smith, a graduate of Pomona College and more recently of the Harvard Graduate School, has been appointed instructor in political science at Dartmouth.

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Professor R. M. Story, Professor William Casey, and Dr. Waldo Schumacher have resigned their positions at Syracuse University. Professor Story has been appointed head of the department of political science at Pomona College, California.

Dr. Robert Mackay, of Princeton University, has been appointed assistant professor of government at Cornell University.

Dr. Alpheus T. Mason, formerly assistant professor of history and political science at Duke University, has accepted an assistant professorship of politics at Princeton University. Dr. Harold W. Dodds, editor of the National Municipal Review, will serve as lecturer in municipal government at Princeton University during the coming year.

Mr. W. Brooke Graves, formerly an instructor at the University of Pennsylvania, has been appointed professor of political science at Temple University, Philadelphia. Mr. Graves conducted courses in the summer session at Duke University, Durham, North Carolina.

Dr. Kirk H. Porter has been advanced to the rank of associate professor of political science at the State University of Iowa. Dr. George F. Robeson has been advanced to the rank of assistant professor at the same institution.

Dr. Carl H. Erbe, who received his doctor's degree at the State University of Iowa in June, has been appointed assistant professor of political science at Iowa State Teachers College. Mr. Jesse T. Carpenter, graduate assistant in political science at Iowa during the past year, becomes an instructor in political science at Duke University.

Mr. Warren H. Kelchner, an instructor in political science at the University of Pennsylvania during the past three years, and Mr. Charles Fairman, assistant and graduate student at Harvard University, have been appointed Penfield scholars in international law at the University of Pennsylvania. Both will spend the coming year in advanced study in Europe.

Mr. John G. Hervey, of the University of Oklahoma, has been appointed instructor in political science at the University of Pennsylvania.

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Dr. Harry A. Barth has been advanced to the rank of associate professor of government at the University of Oklahoma. Professor Barth is traveling in Europe during the summer.

Dr. Walter Thompson, formerly instructor in political science at the University of Wisconsin, has been appointed professor of government in the University of Oklahoma.

Professor Harold S. Bucklin, of Brown University is a member of the Rhode Island children's laws commission, created during the 1925 session of the legislature to report to the 1926 session recommendations for codification and changes in the laws relating to children.

Professor William B. Munro, of Harvard University, delivered a series of lectures in May at the University of California, Southern Branch, on the general subject of the invisible government of the United States. He has been appointed visiting professor of government at the Southern Branch for the second semester of the coming academic year.

Professor Charles G. Fennick, of Bryn Mawr College, and R. G. Gettell of the University of California, gave courses in the summer session of the University of California, Southern Branch. Professor Charles E. Martin, of the Southern Branch, goes to the University of Washington as chairman of the department of political science. He gave courses on American diplomacy and international government in the summer session of Harvard University.

Mr. John T. Salter, instructor in political science at the University of Pennsylvania, and Mr. John J. George, Jr., graduate student at the University of Wisconsin, gave courses during the summer session at the University of Oklahoma. Mr. George becomes assistant professor of history and political science at Washington and Lee University.

Dr. O. Douglas Weeks, formerly instructor in political science at the University of Texas, has been appointed assistant professor of political science at Western Reserve University. He will take over the work in municipal government formerly conducted by Professor C. C. Maxey.

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Professor E. L. Shoup has been designated acting head of the department of political science at Western Reserve.

Dr. Clarence A. Berdahl, of the University of Illinois, is spending the summer in Europe.

Mr. V. Kenneth Johnston, graduate student at the University of Chicago, has been appointed instructor in history and political science at Beloit College.

Mr. Frank Paddock, who received his doctor's degree at Wisconsin in June, becomes an instructor in political science at Ohio State University.

Mr. A. V. Johnston, who has been teaching at the University of Minnesota during the past year, will serve as a supply at the University of Wisconsin during the coming year, in the absence of Dr. J. P. Harris.

Dr. J. K. Pollock, formerly instructor in political science at Ohio State University, has been appointed instructor at the University of Michigan.

Mr. Lewis E. Smith has been appointed professor of political science at Schuylkill College, Reading, Pennsylvania.

The committee on the Amherst Memorial Fellowships announces the following appointments: Mr. Horace B. Davis, instructor in economics at Columbia University, for one year; and Mr. Melvin M. Knight, assistant professor of economics at Barnard College, for two years. Mr. Davis will make a comparative study of wages and wage determinations in the iron and steel industries in the United States and Europe. Mr. Knight will go to Africa to study French colonial policies.

Professor John M. Gaus, of the University of Minnesota, will spend the summer and fall in a study of civic education in Great Britain. A similar study is being carried on in Germany by Mr. Harold D. Lasswell, of the University of Chicago. These investigations, and others to be undertaken in various countries, are financed by the Laura Spelman Rockefeller Memorial Foundation, and are under the general direction of Professor Charles E. Merriam.

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As a part of the program of the Local Community Research Committee of the University of Chicago, Professor Leonard D. White has recently completed a study entitled "Employment Conditions in the Municipal Service of Chicago: A Study of Morale." Dr. Harold F. Gosnell has also completed a study on the stimulation of voting entitled "How to Get out the Vote." In coöperation with the Union League Club of Chicago, a census of civic agencies in Cook County is being undertaken by the same Committee; and in coöperation with the Commonwealth and the Regional Planning Association fundamental studies underlying regional planning have been instituted. Considerable progress has been made on a study of municipal reporting.

Mr. James A. Tobey, recently administrative secretary of the National Health Council, is now engaged, under the auspices of the Institute for Government Research of Washington, D. C., in making an intensive survey of the public health activities of the United States Government. Preliminary studies have shown that there are at least twenty-six bureaus or other branches of the government which are directly or indirectly interested in some phase of public health. Sanitarians have long recognized the desirability of an effective coördination of these scattered functions and have frequently recommended that it be brought about. An endeavor will be made, with the advice of the most distinguished health workers and specialists in political science of the country, to formulate a definite plan for correlation, providing for no new expansion, but simply a more effective and economical rearrangement of existing federal health activities. Students of government and of public health agree that the problem is a complex one, but it is hoped that a practical scheme may be ready for presentation to the Sixty-Ninth Congress when it meets next December.

The sixth annual meeting of the Southwestern Political and Social Science Association was held at Dallas, Texas, March 30 to April 1, 1925. The three days were devoted to meetings of sections on sociology, social psychology, economics, history, government, and international relations. Officers elected for the ensuing year are: president, W. B. Bizzell, president of Texas Agricultural and Mechanical College; vice-presidents reëlected, G. B. Dealey, Dallas, Texas, F. F. Blachly, University of Oklahoma, D. Y. Thomas, University of Arkansas; elected members of the executive committee, B. Youngblood, Texas Agricultural and Mechanical College, and W. F. Hauhart, Southern

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Methodist University. Professor Herman G. James, of the University of Texas, was reëlected editor of the Quarterly. Since the meeting, however, Dr. James has resigned from the University of Texas, and the executive committee has elected as editor Dr. C. P. Patterson, of the same institution. Mr. Charles A. Timm, of the University of Texas, was elected secretary-treasurer. Mr. E. T. Miller, of the University of Texas, became chairman of the program committee. Members of the advisory editorial board of the Quarterly were reëlected as follows: Professors F. F. Blachly, University of Oklahoma; W. B. Bodenhafer, Washington University; H. B. Chubb, University of Kansas; C. F. Coan, University of New Mexico; M. S. Handman, University of Texas; D. Y. Thomas, University of Arkansas; and G. P. Wyckoff, Tulane University.

The Third Commonwealth Conference, held under the auspices of the State University of Iowa on June 29–30 and July 1, was devoted to the general subject of the costs of government. Round-table sessions were held on the expanding functions of government, the mounting costs of government, federal aid and states' rights, state universities and the state, and the costs of education. Public addresses were given by Senator Cummins and Dr. Glenn Frank, president-elect of the University of Wisconsin. Among political scientists outside of the state who, by invitation, took part in the Conference were: Professors John A. Fairlie, of the University of Illinois; Frank G. Bates, of Indiana University; Frances W. Coker, of Ohio State University; Frederic A. Ogg, of the University of Wisconsin; James S. Young, of the University of Minnesota; J. P. Senning, of the University of Nebraska; and F. H. Guild, of the University of Kansas.

At the annual meeting of the committee on the Harris Political Science Prize Essay contest, held in Chicago on May 16, prizes were awarded as follows: (1) First prize, $150, to Miss Helen Werner, University of Illinois, for an essay entitled "The Constitutionality of Zoning Regulations;" (2) second prize, $100, to Mr. No. Yong Park, Northwestern University, for an essay on "Japanese Exclusion;" and (3) honorable mention, to Mr. Max Swiren, of the University of Chicago, for an essay on "Our International Judiciary." This contest is open to undergraduates of the colleges and universities of Illinois, Wisconsin, Minnesota, Iowa, Indiana, and Michigan. The subjects from which contestants may choose in 1926 are as follows: (1) Relations

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of the United States and Latin America, with reference (a) to a particular phase or (b) to a particular state or group of states, *e.g.*, the Tacna-Arica dispute; (2) Some phase of the relations of the United States with Japan or China; (3) The codification of international law; (4) Some phase of the activities of the League of Nations, *e.g.*, the opium conferences or the international labor office; (5) A study of elections in a particular country, or other area, since the World War; (6) The rules of the United States Senate; (7) Federal grants in aid, with reference to a particular subject or a particular state; (8) Interstate agreements; (9) State legislatures; the practical operation of (a) the bicameral system in a particular state, (b) procedure in a particular state, or (c) the extent of party-voting in a particular state; (10) Relations of state and local administration in a particular state with reference to a specific field of government, such as (a) public utilities, (b) finance, (c) health, (d) education, (e) police, or (f) highways; (11) Problems of public personnel administration (national, state, or local), such as (a) qualification, selection, and tenure of civil service commissions, (b) organizations of public employees, (c) methods of recruiting, promotion, discipline, and retirement; (12) Women in the public service: a survey of present conditions; (13) A critical study of the methods of selecting state and local judges; (14) A study of the practical workings of one of the following offices in a particular state or, preferably, in a particular county: (a) county board, (b) justice of the peace, (c) local prosecuting attorney, (d) sheriff, (e) coroner, (f) county clerk, (g) auditor; (15) The operation of the budget system in the United States, or in any particular state, county, or city; (16) Nominating systems in the United States; (a) direct primary (partisan or nonpartisan), (b) convention system, or (c) petition; (17) Influence of voluntary organizations (other than political parties), or of a particular organization, in (a) elections or (b) legislation; (18) The problem of the metroplitan area; (19) A contemporary political leader in Europe.

At the second session of the Furman Institute of Politics, to be held at Greenville, S. C. in August, lectures will be given by a number of professors from other parts of the country, including: James Q. Dealey, of Brown University, on the foreign policy of the United States; A. N. Holcombe, of Harvard University; Edward S. Corwin, of Princeton University; and Harry T. Collings, of the University of Pennsylvania, on Latin-America.

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Political Science and Rural Government. Political phenomena, which are the material of political thought, embrace all forms of human behavior with respect to that central and paramount organ of social control which is termed government. Governmental institutions arise when a given group of people habitually behave in a certain manner with reference to each of a number of problems connected with that organ of control. In the past, the students of politics have got little beyond the description of the formal or superficial aspects of political institutions and the *a priori* justification or condemnation of the principle of rulership. In recent years the feeling has spread that political science should be made a real science instead of a mere loosely-knit combination of civics, history and philosophy. Connected with this feeling is the more or less tacit assumption that, once the laws of political conduct are known, they can be applied to the working out of forms of government which will produce socially desirable results. But the wish is father to the thought; and the difficulties in the way have been greatly underestimated. There is altogether too optimistic a hope in some quarters that a science of politics can be evolved within a period of time that is short of geological. It is for the purpose of setting forth some of the handicaps, while at the same time suggesting lines of investigation that should be undertaken, that this paper has been written.

Bryce once declared that in so far as political science is a science, it is based upon psychology or the permanent elements in human nature. It is often said that psychology is the basic social science in the same way that chemistry and physics are the basic natural sciences. The several social sciences are applications to the various phases of human life of the fundamental principles of human conduct. As engineering mechanics is an application of physics, and plant physiology an application of chemistry, so the science of politics should be an application of psychology. Only psychology can explain the political motive, which is a complex of economic desires, personal ambitions, lust for power, impulses to public service, and other incentives, mixed in different proportions in different individuals. But as yet pure psychology, while it has made rapid strides in late years, is only in its infancy, while political psychology has barely had a beginning. Furthermore, human nature is so variable a factor that no law of political psychology would enable us to predict except with reference to large numbers of persons acting over long periods of time.

Now the economic motive, which is closely related to but not iden-

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tical with the political motive, is coming to be recognized as a complex also; but the economists have been able to work out a tentative body of principles without the exhaustive analysis of this economic motive. This is because they have a quantitative standard of measurement in the money value which people place upon goods and services. Unless some such unit is found by students of government, the current attempt to collect political statistics will bear little fruit. Statistics on non-voting and the like which have no common denominator are as meaningless as the already available "facts" that lie in unrelated isolation on the dusty pages of the statute books and other public documents. All such information has value for an art but not for a science of politics. In politics there is no unit of value.

Another primary difficulty is that the political scientist cannot verify his deductions by the use of the controlled experiment. The natural scientist can by this method isolate the factors with which he desires to deal. *Ceteris paribus* is always his major premise, but he can translate that premise into approximate reality. The student of politics deals with phenomena which display a multiplicity of causes, a composition of forces, if we may borrow a term from the physicists. Because he cannot control the conditions of human life, he cannot separate the relevant from the irrelevant, and much less can he evaluate the relative importance of forces working in the same direction, or accurately discount the effect of less intensive forces working in the opposite direction.

Even after truly scientific theories of politics were worked out, there would be at least two obstacles to the use of those theories in a process of political invention. The mechanical inventor not only knows the applicable natural laws, but has a definite end in mind, and can arrange his material in space in such a manner as to cause the forces of nature to produce that definite end. To do this takes a man of skill and imagination as well as scientific training, but compared with the task of the political inventor the process is simple. If we follow out the analogy, the inventor in politics, knowing the way human nature acts under given conditions, would have to alter the conditions before he could get the results he desired. But it is obvious that the physical environment and the social organization of mankind cannot be changed at will. We cannot arbitrarily change these things, as the inventor of a new mechanical device can arrange the relative positions of pieces of steel and wood. The very political institutions which the political inventor would seek to change, in order to get a different human re-

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action, are themselves habitual human reactions which are the inevitable product of social heritage and contemporary environment.

Even if this obstacle were overcome, another would remain. That is the difficulty of determining the desirable ends. What are the ultimate aims of political life? Who is to decide what they are? For such a decision there is necessary a grasp of the practical possibilities and an ethical evaluation of alternative results. Ethics cannot be eliminated from the situation, for if we knew exactly what would be the outcome of the adoption of one or the other of two laws, we should still have to decide which outcome was the more desirable. Nor is this as easy as at first blush it might seem. Some would prefer the elimination of the unfit, and the full development of the potentialities of the fittest; others would stand out for the tender care of the defectives and the delinquents. Some would look toward the development of an objective civilization even at the expense of sacrificing the many to an aristocracy; others would insist upon the greatest happiness of the greatest number, upon giving the good things of life to all, even if the quantity of good things were less than under the rule of the many by the few. The lip-service that many Americans give to democracy only hides these underlying differences of opinion.

Of course it must be added that a science of politics and a process of political invention could not be carried through without reference to a simultaneous advancement of the other social sciences, or most of them. The work in these several fields must be correlated. The problem is really one of social invention based upon social ethics and upon a general social science. In that science economics and sociology especially would be brought into their true relationship with political science. Thus, it is seen that the problem broadens out into something that staggers the imagination.

What, then, shall we do? There is only one answer. We are thrown back upon the historical and comparative methods, and such organized efforts at the study of human nature in politics as public appropriation or private beneficence may make possible. Now the scholar who undertakes to elicit principles from history is like a mariner without a compass; if he is a man of wide reading and insight, his conclusions will have some element of truth but never the validity of scientific laws. Likewise, modern political conditions are so very complex that even with elaborate coöperative effort and at enormous expense observers will have trouble in getting results of any value.

There is one field, however, where the beginning of organized surveys

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might be made with helpful results. That is the rural areas. The relatively small size of these political subdivisions insures that the student will be less likely to be swamped with details, or be unable to view the field as a whole. As contrasted with other areas, the county, the township, the New England town and the village have simpler problems and a less complicated set of political forces. The growing number and complexity of governmental functions, which have come with the rise of industrialism, have indeed touched these units, but have touched them least of all. We are reminded of the analogous position of the Greeks in their little city states with reference to the issues of political philosophy.

"One virtue of the Greek thinkers lies in the fact that they were enabled to see the problem simply and to see it whole. Their city states were so small and their organization so simple that they could fall within the easy comprehension of every citizen. The simplicity of their institutions made it possible for Greek philosophers to attack fundamental problems confidently in a simple and direct manner; thus it was a comparatively common phenomenon in Greek political life for a reformer to bring forward, not some particular reform on a matter of detail, but a completely new constitution—that is to say, boldly to make a fresh attempt to solve the problem as a whole on quite new principles. This does not seem to have meant that the Greeks oversimplified the issues, but rather that their states were so small and their administrative method so direct, that there was little chance for the theorist to lose himself in irrelevant detail. So it was that in their different ways Plato and Aristotle were able to give a clearer and more complete account of the nature of civil society than any subsequent thinker has achieved."[1]

There is the difference, of course, that the county is but part of a larger whole, while the city of Athens was a state within itself. But, if anything, this would make the problem of the observer all the simpler.

The fact that the county is but a subdivision, which does not have control of the major questions of government, would also make it less dangerous to experiment within this area. Bryce has pointed out that in the federal form there is the opportunity for trying experiments upon a relatively small scale. There is a similar opportunity within a state where there is local autonomy and county home rule. Unfortunately, country people are in some ways so conservative and have been so little

[1] C. R. and Mary Morris, *A History of Political Ideas*, p. ix.

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influenced by changing conditions that it may be difficult to persuade them to embark upon innovations. But this may not be impossible, and if it can be done, there will be a main argument against the present tendency toward centralization, toward state supervision and standardization. If carried to its logical extreme, this tendency will leave too little room for that healthy variety, and trial and error upon a small (and hence not dangerous) scale, which produce new ideas and new methods.

In this connection it is not without interest to mention that of late a few writers have begun seriously to discuss the defects of rural government, with its antiquated methods of doing business, its lack of centralization within itself, and its hopelessly inefficient duplication of functions. This is encouraging in view of the fact that until recently there was almost unquestioned acceptance of local institutions developed through the colonies from the mother country. The new movement seems likely to be a sort of repetition of the reform movement in municipal government in the first quarter of the century. The assumptions of that movement, which are being applied to rural government, were not verified hypotheses, but they were the sane guesses of students of the art of politics. Nevertheless, the fact remains that it is difficult to tell whether improvements in municipal government which have followed are due rather to increased popular interest and attention or to the specific changes in the machinery and in administrative methods. Perhaps they were due to both causes working together; and certainly it seems true that a very intelligent electorate could not squeeze the juice of good government out of the pulp of our rural administrative system. The difficulty is mentioned only as a warning against hasty conclusions drawn from experiments or from observation by the *post hoc ergo propter hoc* argument. The only method that it is practicable to consider is the one which is beginning to be employed in rural government. But it takes a Bryce to employ it wisely.

There remains the question how far the findings garnered from an intensive study of local government in action would have any validity for the city, the state, the nation, and the league of nations. In these fields the problems are so different that the same human nature may probably react differently to the different stimuli. And yet we have reason to believe that what we learn in rural units will, with due allowances, have helpful bearing upon the problems of national democracy and international organization. The broader issues of social justice, foreign policy, and the like, are more fundamental or more unpredictable

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than matters of school administration and tax assessment within the limits of state law. Yet here again we gain encouragement from the analogous position of the Greeks.

Bryce asks the question whether the operation of democracy in the city state of Athens has any lessons for modern democracy, with its association with nationalism. His answer is in part as follows: "Moderns have been apt to say: 'What light can these little city states give to us who frame our systems for vast countries? Athens and Syracuse in the height of their power had fewer citizens than a single English or French constituency counts today. The voters who at Rome chose a Fabius or a Julius to be Consul were sometimes fewer than those who fill the hall of a nominating Convention at Chicago.' But the difference in scale and in other things, too, are not so remarkable as the similarities. As the problems of good government were essentially the same, so were the motives and the temptations. The gifts by which power is won and the faults by which it is lost are as discernible in the careers of Greek and Roman statesmen as in those which engage our curiosity today. On the small stage of an ancient city republic both figures and tendencies stand out more boldly, the personalities are less conventional, the action moves faster, and it is often more dramatic."[2] And again: "After all the changes of seventy-five generations the tendencies of human nature remain substantially what they were. . . . Short indeed was the life of these republics, but it was intense, and it was wonderfully fruitful for all later generations. It has for us the unfading charm of showing human thought and passion in their primal simplicity."[3]

The analogy is not exact, but it suggests that if ancient democracy has lessons for modern democracy, the study of rural government in all its simplicity has lessons for the interpretation of national and international society.

JAMES HART.

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[2] *Modern Democracies*, vol. I, p. 166.
[3] *Ibid.*, p. 185.

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BOOK REVIEWS

A. C. HANFORD

Harvard University

The Supreme Court and Sovereign States. By CHARLES WARREN. (Princeton: Princeton University Press. 1924. Pp. 159.)

The four lectures making up the gist of this volume were delivered at Princeton University as the Stafford Little Lectures for 1924. They deal in general with the subject of interstate controversies and the means provided for their settlement, namely, interstate suits and interstate compacts. Neither of these questions has received any considerable attention heretofore from writers on American government, but Mr. Warren has now remedied that by a treatment which is at once thorough, scholarly, and interesting. There are also five useful appendices, and notes so numerous and exhaustive as to give the volume the appearance of a doctoral dissertation, but which add materially to its historical value.

Mr. Warren is a former assistant attorney general of the United States (1914–1918), and is better known as the author of the admirable volumes on *The Supreme Court in United States History* (and is not to be confused with Charles B. Warren, rejected by the Senate for the office of attorney general). This experience and training, together with an instinct for meticulous research, have given him the right to speak with some authority concerning the Supreme Court and its work. It is also to his advantage that in this book he is dealing with a phase of that court's jurisdiction which, although an "absolute novelty" when proposed, was adopted by the Convention of 1787 with "not a breath of opposition" (p. 33), and which appears to have received no serious criticism since. His treatment is, therefore, chiefly descriptive and analytical, and free from the acceptance of the court and all its ways that characterize some of his other writings and lectures.

The most notable features of this system for the settlement of interstate controversies, as described by Mr. Warren, may be summed up about as follows: In the first place, the scope of the Supreme Court's jurisdiction over such controversies has been enlarged through the

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process of gradual growth and the assumption of power in doubtful cases, until now it extends to any kind of dispute, even including "political questions" and questions that in international affairs are known as "non-justiciable" (pp. 54–56). Secondly, there has been a notable increase in the number of such disputes submitted to the court, due to an increasing confidence in the wisdom, impartiality, and independence of the judges, and to a growing realization that there is a body of law applicable to disputes between "sovereign" states (pp. 64–65, 113–115). Thirdly, there has been an equally notable increase in the number of interstate compacts (pp. 69, 121–124), which Mr. Warren points out may result in a new class of controversies before the Supreme Court, namely, breaches of compact (p. 76), although apparently only one such case has yet occurred (p. 155, note 75). In the fourth place, the Supreme Court has realized the "emollient influence of the lapse of years" upon cases of so serious a nature, and hence delay unusual even for that court (from 5 to 19 years) has been the rule, with the result that cases begun with "great excitement" and "hard feelings" have ended with "placid and unvexed acceptance of the decision" (pp. 86–87). Finally, the system has been so completely accepted that the states have without exception obeyed the court's decisions in these cases, even though unpleasant and in spite of the bogey of state sovereignty and the difficulty in the enforcement of decrees (pp. 70, 76–80, 87–88).

Most historians and political scientists will presumably differ with the author's view, implied in the title of the book and expressed throughout (*e.g.*, pp. 2, 34), that the states are sovereign Senator Borah and others of his ilk will be extremely critical of the frequent suggestions that lessons of an international significance are to be drawn from the experience of the states (*e.g.*, pp. 9–10, 88–97). Some constitutional lawyers may question certain of the author's assumptions, such as that a state may actually be coerced into accepting judgment, or that mandamus may issue against a governor (pp. 79–80). In spite of these objections, however, this is an excellent and useful book.

CLARENCE A. BERDAHL.

University of Illinois.

The Permanent Court of International Justice and the Question of American Participation, with a Collection of Documents. By MANLEY O. HUDSON. (Cambridge: Harvard University Press. 1925. Pp. ix, 388.) This is an exceedingly useful and timely book. Professor Hudson

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has brought together fourteen articles published in American journals during the past three years. Although there is some repetition, the articles in the main supplement each other and in the present well-arranged and well-indexed form, give a complete account of the Permanent Court of International Justice, its work, and the controversies about it.

The work is in three main divisions. The first is historical and descriptive. It deals with the origin of the court and the cases decided by it in its first three years, ending with an important discussion of advisory opinions in national and international courts. The second division is argumentative and philosophic. The value of the court as a medium for peacefully settling international disputes, developing international law and influencing diplomatic settlements by its presence is discussed (p. 281). The arguments against the court and proposals made in America for modification of its statute are considered at length in chapter eleven. The final division is documentary. Texts of the Hague convention for Pacific settlement of international disputes, the draft convention for a court of arbitral justice, the League covenant, the statute of the permanent court and other documents are included.

The book is a thoroughly scholarly production with ample annotations and a bibliography. Its scholarly character, however, does not conceal the author's interest in the practical problem of American participation. "Progress," he thinks, is only wrought slowly by "pretty determined effort," generally consciously directed and its method is usually the creation of institutions which future generations may use. The court is presented not as an absolute guaranty of peace but as such an institution, capable of increasing service as the years go by (p. 258). Elsewhere the importance of the court as an aid to the outlawry of war is emphasized (p. 225).

Professor Hudson, like Dean Pound, considers the administration of law as a process of "balancing competing interest;" consequently to him arbitration and judicial settlement are not very far apart (p. 13). The reviewer feels that at this point he neglects the great difference in mental attitude between arbitrators selected by the parties *ad hoc*, in large measure because of their known views and sympathies on the question at issue, and judges selected before the controversy arose because of their knowledge of law. Conflicting interests play a part, doubtless, in making and modifying law, whether diplomats, legislators or judges are the agents. But with recognized sources and a technique of reason-

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ing, judges, searching for and applying law, may get quite different results from arbitrators settling the dispute with a maximum of satisfaction to the parties. Diplomatic settlements, as Professor Hudson observes, are likely to embody less law than arbitrations, but arbitrations inevitably sacrifice the law to the interests of the parties more than judicial settlements, as in fact Professor Hudson later admits in recognizing the superiority of the court as an instrument for developing law (pp. 16–17, 283). It may be noticed that the phrase "on a basis of respect for law" used in the Hague convention to describe the nature of arbitration was intended to leave greater freedom to arbitrators than would the phrase "on the basis of law."

The reviewer has found the book a stimulus to thought and believes it will encourage reflective students of law and of international relations to consider the possibilities of a more effective liason between these fields of activity than has heretofore existed.

QUINCY WRIGHT.

University of Chicago.

Recent Developments in International Law. By JAMES WILFORD GARNER, Ph.D., Ll.D., Tagore Law Lectures, 1922. Published by the University of Calcutta, 1925.

For the layman it is perhaps more important to know what international law is good for than to know what it is: Detailed knowledge of its sources and doctrine he can leave to the jurist and diplomat, though it is doubtless desirable that he should have an idea of its basic principles. But unless the mass of effective citizens all over the world are convinced that international law is a valuable asset of civilization, that law, however theoretically excellent, will cease to influence affairs.

In these lectures delivered at the University of Calcutta in 1922, Professor Garner attempts to estimate the achievements of international law and organization in recent years. Though he centers attention on the twentieth century he traces the history of tendencies much farther back. There has been too little of this kind of writing. Wheaton's and Walker's histories stand almost alone in English and neither of them comes much nearer than a century to the present time. There have been historical accounts of the application of international law in particular wars, of the achievements of particular conferences, and of the development of particular doctrines and institutions, but no efforts to appraise the tendencies, achievements and failures of the system as a whole. For this task, Professor Garner grounded in history and

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political philosophy, before entering the field of international law, and experienced by the preparation of his well known *International Law and the World War*, is well fitted. His work is marked by accuracy of historical statement, wealth of citation and sanity of judgment.

After surveying the efforts to develop international law by convention at the Hague and other conferences, the author considers the wars of the twentieth century with a view to ascertaining the value of existing means of pacific settlement in postponing or shortening them, and of existing international law in reducing their destructiveness. It must be confessed that the results are not reassuring. But though arbitration, inquiry and mediation, as provided in the Hague conventions, were unable to prevent the wars which actually took place, the author does not consider these institutions worthless. They were often used, sometimes in cases which might otherwise have resulted in war. Furthermore they contributed toward building up habits of pacific settlement and to the creation of the League of Nations and the Permanent Court of International Justice. Though the author regrets the absence of compulsory arbitration (p. 635) and more effective sanctions (pp. 636, 705, 810) he considers these institutions "a distinct advance upon all former attempts at international coöperation and organization." (pp. 642, 707.)

As to the laws of war and neutrality he finds that they have been something of a restraint upon belligerent action, but in the Balkan and World wars they were frequently violated, and in the future they cannot be expected greatly to restrain the rigors of war. On the contrary noncombatants and conditional contraband will be less protected (pp. 780, 782), belligerents will be entitled to take neutral vessels into port for search (p. 788), to sequestrate prizes in neutral ports (p. 791), to arm merchantmen in defence against submarines (p. 795) and to enforce starvation blockades (p. 797). There is little probability of more immunity for property at sea (p. 800), though the doctrines of military necessity and retaliation should be less extensive (p. 802). However, efforts to regulate war should not be abandoned (p. 807), though it is much more important to prevent war. This requires further organization to develop, apply and enforce the law, which implies a willingness on the part of nations to assume more responsibility for the suppression of law-breaking and to be less insistent upon complete independence of action and equality in political weight (p. 643).

A few errors have crept in, doubtless due to the inability of the author to read the proofs. Portugal and Great Britain both ratified the

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Hague convention on asphyxiating gases (p. 55). The United States appointed three members of the Alaskan boundary commission (p. 503). In addition to the United States, Ecuador and Hedjaz have failed to become original members of the League, as contemplated in the Covenant (p. 623). The reviewer believes more might be said with regard to the effect of new inventions on the law of war (p. 780) and the difficulties and dangers of codification (p. 762).

The book should be studied by all persons interested in world affairs as well as by professional students of international law. It is a mine of information, a model of restrained judgment, and a challenge to further effort by jurists and statemen.

QUINCY WRIGHT.

University of Chicago.

The Geneva Protocol. By DAVID HUNTER MILLER. (New York: Macmillan Company. 1925. Pp. viii, 279.)

The Geneva Protocol. By P. J. NOEL BAKER. (London: P. S. King and Son. 1925. Pp. x, 228.)

The Paris Peace Conference resolved to disarm Germany and her allies in order to render possible a general limitation of armaments. Since 1918 much has been written on disarmament and numerous plans have been made. The latest and best-matured plan is the Geneva Protocol. It proposes to outlaw aggressive war, the oldest and strongest human institution, by the formation of a world-wide defensive alliance. All international disputes are to be settled by peaceful means, the justiciable ones by courts and the political ones by mediation supplemented by compulsory arbitration. The Fifth Assembly recommended unanimously, October 2, 1924, the Protocol to the states in the society of nations for acceptance. Seventeen states have signed it and one, Czecho-Slovakia, has ratified it.

Mr. Miller presents a legal interpretation of the document. Interesting discussions appear particularly on the method of coming into force of the Protocol, the projected disarmament conference, the *status quo*, domestic questions, the Japanese amendment, sanctions and demilitarized zones. He redrafts the Covenant as it would read if the amendments contemplated by the Protocol were made. He indicates the changes that would come in the jurisdiction of the Permanent Court of International Justice. He concludes that such a complete change as the Protocol sets up will require a century of education, preparation and growth.

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Professor Noel Baker describes the genesis of the Protocol. He is of the opinion that it was intended to be a supplement to the Covenant rather than an independent treaty, as Mr. Miller thinks it is. The Protocol in the Fifth Assembly came from the hands of responsible ministers acting as representatives of their home countries. The league is a creature of the governments of which it is composed. And he points out that the league is not and would not with the Protocol added be a supranational entity.

Professor Baker's purpose is not to defend the terms of the Protocol but to present the reasons for the insertion of the various provisions. Whenever he departs from the task of exposition a frankly British viewpoint is assumed. He does so in discussing the implications of the Protocol for the British navy, the base at Singapore and the vast but scattered empire.

Throughout the book four underlying assumptions have been made. The first is that the British government has been right in basing its foreign policy on the League of Nations and that the principles of the Covenant promote the true interests of the Empire. The second is that the prevention of all international war is the chief of British interests. He remembers how nearly Britain was brought to her knees in the last war and how in the long run all war is detrimental to international commerce and finance. Moreover, many of Great Britain's present problems grew out of the Great War, such as those in Ireland, Egypt, India, Burma and a possible dissolution of the Empire itself. The third assumption is that the British people have a vital interest in the limitation of national armaments of every kind. Such limitation would mean reduction in taxes and rapid progress in social reforms. And the fourth assumption is that the British citizen is willing, if shown the way, to apply in international affairs the same rules of action that apply in national affairs: "since his whole social life within the state rests on the collective use of force, in the persons of the police, against the criminal who disturbs the public peace or violates the rights or safety of his neighbours, so, in principle, the average citizen has no objection to the collective use of force by the community of states against the international criminal who violates the peace of nations or attacks the rights or territories of his neighbour states." Surely, these are fundamental assumptions for the people in every state in considering a plan to promote world peace.

Students of political science will find these books useful for the historical material and the expositions they contain and for rendering easily

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accessible in their appendices the text of the Protocol and of other pertinent documents.

CHARLES E. HILL.

George Washington University.

The Conduct of Foreign Relations Under Modern Democratic Conditions. By DEWITT C. POOLE. (New Haven: Yale University Press. 1924. Pp. vi, 208.)

This reviewer finds it difficult to remain moderate in his commendation of Mr. Poole's little book. The manner of approach, the method of treatment, and the conclusions reached on the subject dealt with seem so right and true as to leave us only to hope that as many lay citizens and professional students of international organization may have the opportunity of studying the book as it deserves.

After a rather general survey of the organizations and methods employed in the various more important states of the world for the official conduct of foreign relations the author proceeds to the problem of popular control of official action. Principal emphasis is placed on the questions of value involved but some attention is also given to the methods available for use by the public in exercising control and also for use by the public officials in guiding the public in this activity. At times the latter point of view seems to dominate over the former.

That the book is not a heavily documented reference work is not entirely a defect. That some of the references appear naïve or sophomoric means merely that the author would have been well advised not to bow even as infrequently as he has to the mania for annotations. Most of the citations evince that precise selective quality which indicates that they were not made up for appearance but date from some experience of real discovery on the part of the author.

The two maps which are inserted inside the front and back covers of the volume are gems in the art of graphic representation. The excellence of their mechanical execution contributes much to their value. The reviewer would have preferred cables and steamship lines on the same map, and consular establishments of all countries added on the first map—difficult as that would be.

The chapter on "International Organization" seems to be unnecessarily sketchy in form and casual in tone. Even in seven pages a more comprehensive and systematic view of that subject should have been possible, if it had made possible fewer references to certain distinguished Americans.

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Finally, the conclusions reached on the true values in secret and open diplomacy, respectively, seem altogether admirable. Means do exist whereby public opinion may control public policy in international relations. The problem is the use of these means, their effective use, but also—which is in the last analysis the same thing—their wise use. Much attention is paid to the means of leading the people to a wise use of their power of control. Not so much is said regarding the means which might be utilized by public officials to ascertain public sentiment in the country; too much of the burden of action is thrown on the public. It might be argued that they have a right not merely to exert control if they choose but a right to be consulted at all times.

PITMAN B. POTTER.

University of Wisconsin.

The Foreign Service of the United States. By TRACY HOLLINGSWORTH LAY. (New York: Prentice-Hall. 1925. Pp. xvi, 438.)

In his admirable foreword to this volume ex-Secretary of State Hughes observes that: "The Foreign Service of the United States has entered upon a new phase. At last, a competent organization has been achieved on a merit basis, with appropriate promise of career. To hold this service in just esteem, to safeguard the gains which have been won so slowly, to perfect the organization, it must be understood by the American people. This book is adapted to the need. Democracy with its new diplomacy should be served expertly and the faithful foreign service officer at his post abroad should have the inspiration and the satisfaction of the assurance that the nature and importance of his service are appreciated at home."

It is true that this book contains all the essential data to enable one to understand clearly the organization and functioning of the new foreign service. No one could be better fitted to perform this task than Consul General Lay. There is a difficulty, however, with this volume, which should be frankly recognized: it is rather of the nature of a thorough technical report by an expert for the information of fellow officials and other government officials in and out of Congress than a popular book for the general reader. This report resembles closely other reports prepared by request for the information of superior officials or for committees of the Senate and of the House of Representatives.

The student of politics and those especially interested in all that relates to the efficient administration of foreign affairs will find very valuable information in Mr. Lay's book. Provided with an excellent

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index it may serve as a useful book of reference. Business men interested in the extension of foreign commerce will find most serviceable information. For purposes of general utility and education it is a pity that this material could not have been worked over by somebody understanding the pyschology and the needs of the general reading public.

PHILIP MARSHALL BROWN.

Princeton University.

The Messages and Papers of Woodrow Wilson. With editorial notes, and an Introduction by ALBERT SHAW, and an analytical index. (New York: George H. Doran Company. 1924. Two volumes. Pp. xxxi, 1–613; ix, 614–1251.)

This edition of Woodrow Wilson's speeches and messages does not profess to contain everything he ever said and wrote. It is a popular edition, in two moderate-sized volumes, of practically all his public utterances both oral and written, from his first inauguration until his death. It is edited, and very well edited, by Dr. Albert Shaw, with brief but sufficient prefatory notes which explain the circumstances of the various papers included. In certain cases where several speeches were made in similar words on the same subject, as on the preparedness tour in 1916 or the treaty tour of 1919, there are large excisions. In some of the other less formal speeches there are brief omissions.

A certain disproportion necessarily results from the inclusive nature of the collection. Almost half the space is taken up with international relations, and one-half of this is speeches made on the western tour in support of the treaty of peace and League of Nations. Another space-filling element is the many patriotic and occasional speeches, made both in this country and in Europe, which were undoubtedly more effective when delivered because they were not packed with ideas, but which lose, when read, for this reason. Though there can be little difference of opinion that the contents of these volumes were almost universally effective for the various purposes that called them into existence, the reader cannot but be impressed both with the vagueness, diffuseness, and temporary nature of most of the pieces in the collection, and with the compactness of the minority. Such documents as the Sussex note, such speeches as that of April 2, 1917 have an energy of expression and a fullness of content which make them not only still readable but still stirring.

With its careful editing and its unterrifying format, this collection should satisfy any popular demand to know what Wilson said and wrote

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while he was president and after his retirement from office. Read in connection with the *New Freedom* it probably gives us adequate evidence of what were President Wilson's public ideas on politics and government.

Above all things the collection exhibits a leader with a few, simple ideals which he believes to express the people he leads. "Liberty," "common counsel," "self-determination of free nations," are not only terms but ideas which pervade all that President Wilson said. He believed in free initiative of individuals within an ordered society, and free initiative of states within an ordered world. He believed that an informed people, under an elected leader, can, if they trust the leader and engage in "common counsel" with him, secure themselves the best and the most effective government. In his speeches to Congress he stressed the idea that they and he should plan and act in concert. Likewise, he believed in a concert of free nations to manage the affairs of the world.

Almost as plainly this collection exhibits a Wilson who was a great political realist. It is significant that the very third item in the collection is a statement which attacked (and defeated) the tariff lobby, and that one of the latest items is the equally effective intervention in the soft coal strike in 1919. The collection shows a speaker keenly alive to the nature of his audiences only more clearly than a political leader playing effective politics.

In some ways it is painful to read such a collection as this. Much of it is dead; it was never intended to live outside the halls in which it was spoken. But some words, phrases, ideas,—sometimes whole speeches—tug at the heartstrings because they express and recall the old acute feelings of a time of real crisis, and emotions which died, perhaps, with the death of the man who called them into being.

E. P. CHASE.

Wesleyan University.

Roosevelt and the Russo-Japanese War. By TYLER DENNETT. (Garden City: Doubleday, Page and Company. 1925. Pp. vii, 357.)

In this work Mr. Dennett carries forward, over a limited field, his valuable contributions of an earlier volume: *Americans in Eastern Asia*. He has added material that has been unused hitherto, from the private papers of Mr. Roosevelt in the Library of Congress, and has so woven this fresh and lively correspondence into the narrative to be derived from diplomatic despatches, biographies, special articles and general works as to present a well-rounded account of the essential part played

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by President Roosevelt in the affairs of the Far East. The study is a detailed one, yet the movement never lags. The book is one for the general reader as well as for the scholar.

Perhaps the most valuable accomplishment of the work is its presentation of the close connection that existed between the international politics of Europe and developments in the Far East. Another aspect of interest is the description of Roosevelt's unconventional methods of getting information. It is a striking fact that Mr. Dennett finds it unnecessary to give more than casual notice to the work of the former President's eminent secretaries of state, Mr. Hay and Mr. Root. Dual diplomacy in President Roosevelt's administration showed elements not unlike those for which the Japanese government has been criticized. In the author's view this assertion of the presidential prerogative was wholesome and advantageous. There is a marked tendency throughout the book to follow the President, even to the sharing of his prejudices, to be an apologist rather than an adverse critic. One of the most informing chapters is that dealing with Russian policy and activities in Manchuria.

One wonders whether the effect of so dramatic a situation as Mr. Roosevelt created in first warning France and Germany, "in the most polite and discreet fashion," against a second attempt to deprive Japan of war loot in Manchuria, and later endorsing the agreement between Katsura and a "personal representative . . . . . not a member of the State Department" would not have been improved by deferring the incorporation of the relevant material until the narrative had reached the dates of these incidents. It may be felt that by failing to draw the latter of the two into the presentation of Roosevelt's mediation between Russia and Japan the author runs the risk of leading his readers to underestimate the weight that Roosevelt threw into the Japanese scale-pan. Possibly Roosevelt was bluffing when he allowed himself to be represented as believing that "the people of the United States was so fully in accord with the people of Japan and Great Britain in the maintenance of peace in the Far East that whatever occasion arose appropriate action of the United States, in conjunction with Japan and Great Britain, for such a purpose could be counted on by them quite as confidently as if the United States were under treaty obligations to take [it]." But Mr. Dennett does not appear to think that Roosevelt was inclined to bluff. He does not refer to Baron Kaneko's published statement that Roosevelt suggested to him a Japanese Monroe Doctrine for Asia.

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In judging the results of American diplomacy during the period the author comes to the conclusion that Roosevelt's policies were sound, in that he helped to create a new balance of power in the Far East. He places the responsibility for the present practically monopolistic position of Japan in south Manchuria upon American governments subsequent to that of Roosevelt, which have failed to insist that Japan stand faithful to her Open Door pledges. But the camel got his head under the tent with the assistance of Roosevelt. And what of China? Was it a creditable thing to assist any country in a program of forcible acquisition at her expense? And what of Korea? Not only did President Roosevelt fail to offer his good offices in her behalf in 1905, as he was under treaty obligations to do, but he signed a statement of policy in which was exchanged American executive acquiescence in the transfer of control over Korea to Japan for Japan's promise to leave the Philippines alone. Mr. Dennett is a strong supporter of American coöperation with the other powers in the Far East. The defect in that policy is that so often it has involved our acceptance of an imperialist rather than internationalist basis for coöperation. Had Roosevelt instead of, in effect, joining the scramble for concessions on behalf of Japan, bent his efforts toward a definitive interpretation and an international acceptance of the Open Door policy, it seems reasonable to believe that the Far Eastern milieu would be less complicated than it is today.

HAROLD S. QUIGLEY.

University of Minnesota.

The Political Awakening of the East. Studies of Political Progress in Egypt, India, China, Japan and the Philippines. By GEORGE MATTHEW DUTCHER. (New York: The Abingdon Press. 1925. Pp. 372.)

As the publisher observes, the various nations covered by this book—Egypt, India, China, Japan, and the Philippines—"represent many different types of conditions and problems and exemplify practically every important issue involved in the East." Besides the brief Introduction and Preface, there are six chapters, each one, except the last, describing the development and present conditions of one country. Of these, the first contains about forty pages; the other four vary from sixty to sixty-four, a remarkable evenness of treatment. Chapter VI (Problems of Progress in the Far East), of about forty pages, is particularly felicitous in concept as well as in style. Whether he speaks

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of missionaries or traders, eastern students or western travellers abroad, of international or national issues, or of World War influences, the author manifests shrewd comprehension and a decided grasp. The discussion of the influences exerted by "the Christian ethic" is most illuminating. One may be quite at liberty to qualify or except from the deductions drawn without being lacking in appreciation for their admirable, logical, and convincing character.

Professor Dutcher's historical passages, found at the beginning of his various chapters are well done; the views are moderately expressed, and the information is so clearly based on careful selection as to inspire confidence and respect.

Though the book carries the word "political" in its title, Professor Dutcher has wisely inserted much about the economic, commercial, and financial development inseparably connected with the political, and has, therefore, made his subject much more understandable. So too, in his discussions of the social, religious and ethical forces in the Far East, he is assuredly aiding in bringing about "a more enlightened sympathy with the peoples of the eastern continent."

In some places there are repetitions; in others, breaks in the narrative explained by footnotes. Occasionally the style is less smooth than ordinarily. These faults are probably due to the circumstances under which the subject-matter was first presented. There are a few minor inaccuracies. Despite them, the book is eminently usable, and authoritative.

Moderation and common sense, fairness and impartiality are among the qualities radiated from its pages. The originality of thought and treatment, shown time and time again, lighten the pages and add to the enlightenment of the reader. One is impressed also by the amount of valuable and needed material that the author has been able to bring together.

ARTHUR I. ANDREWS.

Tufts College.

Lord Minto: A Memoir. By JOHN BUCHAN. (Boston: Houghton Mifflin Company. 1924. Pp. ix, 352.)

The history of the British Empire, it has been said, can best be read in the lives of the pro-consuls. The administration of the late Lord Minto in India lends some support to this sweeping generalization. The subject of this study belongs essentially to the category of men of action rather than of thought. He was in turn a sportsman, news-

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paper correspondent and soldier; and he carried the same vigorous qualities over into his subsequent political career. His tact, sympathy and honest integrity of purpose won for him a host of friends. But he was far more than a popular representative of the Crown; he was a shrewd politician as well, with a keen understanding of the foibles of his fellow-men and of the practical possibilities and limitations of public policy.

As governor-general of Canada he was called upon to direct the rising national spirit of the Dominion into a safe imperial channel. Although he commenced his colonial career as a staunch supporter of Joseph Chamberlain it did not take him long to realize that the national views of Sir Wilfred Laurier on imperial policy were far sounder than the imperial tenets of the able colonial secretary. His administration in India was even more noteworthy. Lord Curzon turned over to him a country seething with political unrest and open sedition. A more liberal policy was urgently demanded, but it required no small amount of faith and courage for the new viceroy to put through his reform program in the face of the bitterest criticism in India and England alike. The policy adopted was an interesting combination of conciliation and force. He endeavored to meet the legitimate aspiration of the Indian intelligentsia by means of the extension of the right of self-government. At the same time he did not hesitate to take vigorous measures against the revolutionary activities of the extremists.

The author of this volume had already established his reputation as a novelist and historian. He has now proved himself equally adept in the field of biography. The varied career of Lord Minto naturally lent itself to colorful treatment, to which Mr. Buchan's facile and vivid narrative has added a distinctive charm of its own. The author has perhaps been prone to portray his hero in too favorable a light though he has manifestly attempted to be objective both in his statement of facts and in his judgment of men and events. A few palpable errors have found their way into the book, but these are trivial for the most part. For example, the despatch of the Canadian Voyageurs to the Sudan cannot properly be described as a case of colonial participation in imperial wars. It is safe to assert, moreover, that the majority of Canadian Liberals will not readily accept his interpretation of Sir Wilfred Laurier's domestic policies and imperial principles; and it is even more certain that Lord Morley's friends will not rest content with his estimate of the relative contributions of the Viceroy and Secretary of India to the development of Indian autonomy.

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Not the least valuable feature of the work is the new light it throws upon the relations of Sir Wilfred Laurier to Mr. Chamberlain. Even more significant are the many excerpts from the Minto-Morley correspondence. Throughout these letters there runs a happy blending of political philosophy and practical statesmanship which can scarcely be equalled in the whole course of English colonial history. This correspondence might well serve as a manual for all imperial officials.

The life of Lord Minto well reflects the changing character of British imperialism from the old theory of imperial supremacy to the modern concept of national equality and coöperation. Probably no better expression of this new philosophy can be found than Lord Minto's splendid declaration on leaving India: "Gentlemen, I have heard a good deal of strong men in my time and I can only say that my experience in all our anxious days in India has taught me that the strongest man is he who is not afraid of being called weak."

Mr. Buchan's study, we may then conclude, is a worthy tribute to one of the finest types of the modern Conservative imperialist.

C. D. ALLIN.

University of Minnesota.

The New Barbarians. By WILBUR C. ABBOTT. (Boston: Little Brown, and Company. 1925. Pp. ix, 251.)

After a long and scholarly career devoted to a historical study of the phenomena of revolution, Professor Abbott analyzes the society of these times to warn his contemporaries that the days in which kingdoms rise and fall are not at an end; the civilization of today of which we are so proud and which many of us enjoy rests upon no assured foundation; America is no more eternal than Rome. And though it would be absurd to suggest that catastrophic change will wipe away all society in one moment "there is one thing which is not ridiculous. It is the subversion of the government in accordance with ideals wholly antagonistic to the principles on which it was founded."

What Mr. Abbott thinks these principles were is admirably summarized in the first chapter, "What is the United States?" Politically they are popular government and equality of opportunity resulting in "coöperative individualism and responsible freedom" and socially certain characteristics such as cleanliness, respect to women, toleration and independence. Anglo-Saxon in its origin, this civilization has been tempered by the pioneer spirit of new communities; and the alien reinforcements of Irish, Dutch, French and German have accepted the

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standards of life and conduct and the system of laws and government of the first inhabitants.

The permanence of this system and life is now threatened by the menace of the "new barbarians." Though they are as numèrous as the varieties of Goths, whether they be called Bolsheviks, Communist-Internationalists, Syndicalists, Guild-Socialists, Nationalisationists, Humanitarians or Progressives, their fundamental doctrine is the same: the establishment of the "economic state" in which man is reduced to an economic unit and his life to a mechanism and the chief duty of society is "to provide for its weakest members." Many of these new barbarians are to be found among the immigrants from Southern and Eastern Europe; but like the ancient invaders they find allies within our ranks: the young intellectuals who cannot trace the origin of wisdom back to a date more remote than thirty years ago.

This volume is clearly not a thorough and scientific analysis of the problem. Many of its premises are hypothetical, such as the fundamental one that the civilization of the United States is Anglo-Saxon in its origin. Most of the problems that engage the attention of historians and economists and political theorists would be reopened by a criticism of the doctrines here propounded. But is is well to know the musings of one who is interested in all such problems; and it is refreshing in an age of superficial pessimism to read a discussion of American civilization which begins and ends with chapters of optimism.

MARCUS L. HANSEN.

Smith College.

Politics: The Citizen's Business. By WILLIAM ALLEN WHITE. (New York: The Macmillan Company. 1924. Pp. viii, 330.)

The title of this book is somewhat misleading. It might better be called "William Allen White's Impressions of the Republican and Democratic Nominating Conventions of 1924." And even this title would not be strictly correct, for only a third of the book is devoted to the Kansas editor's impressions, the other two-thirds is devoted to reprints of the platforms of the three leading parties, the "key-note speeches," and certain speeches in the Democratic Convention on the League of Nations and the absorbing subject of the Ku Klux Klan.

It should be remembered that Mr. White ran for the office of Governor of Kansas on the issue of the Ku Klux Klan in the autumn election of 1924. So he was not an altogether unprejudiced observer and recorder of political events in this presidential year. Nevertheless, his

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impressions are tolerably correct—correct because impressionistic. No one knowing Mr. White would expect anything else than impressions. And, we take it, he gives a correct statement of his own impressions. He paints his pictures of political scenes with large flowing strokes; and, although lacking form and proportion, he reflects an average American viewpoint.

Some nonacademic readers of Mr. White may think he writes genuine history. But the student is not deceived. The book in question is only a newspaperman's story, and a rather superficial story. Most of the chapters originally appeared in *Collier's Weekly* and a newspaper syndicate. At the same time, other good stories of the conventions were carried in the *New York Times*, the *Chicago Tribune* and similar newspapers of the country. And some of these dispatches were, perhaps, worthy of preservation in book form for the use of the future historian who might desire glimpses of the human side of the nominating conventions. It is only the human quality of the conventions that Mr. White conveys. Apparently he neglected the deeper significance of the struggle within the Democratic Party between McAdoo and Smith and Klan and anti-Klan. But this is a characteristic that deserves neither blame nor praise.

KENNETH COLEGROVE.

Northwestern University.

Public Ownership. By CARL D. THOMPSON. (New York: Thomas Y. Crowell Company. 1925. Pp. xviii, 445.)

This book, another addition to the literature of public ownership, is from the pen of the secretary of the Public Ownership League. Mr. Thompson in his introduction leads us to expect much of the book. He states that it is not his purpose "to propound or to defend any theory with reference to public ownership. The purpose is rather, to present the facts with regard to the various phases of public ownership and enterprise." This is a commendable point of view from which to study the question, and such a method is undoubtedly the one which gives most promise of results in the controversy over public ownership. The arguments for and against the movement are well known, in fact have become conventional with certain types of mind. What we need now is a knowledge of the experience with public enterprise. Only by the facts of such experience can arguments and theory be refuted or proven. To study the experience is the proper method of attacking the subject. Any book which attempts this task is welcome.

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But the author has made the mistake of attempting too much. To write a worthwhile book on the entire field of public ownership is an over-ambitious attempt. It is manifest that a writer can not treat adequately the various aspects of all public enterprises within the scope of a single book. In the opinion of the reviewer, the author has assigned himself too large a task. What is needed in the study of public ownership is much painstaking digging for, and presentation of all the facts in each public industry. The investigations should be made on the ground with the aid of experts, accountants, and engineers. For public ownership involves accounting and engineering. Public opinion is not ready, as some advocate, to ignore public balance sheets. The financial facts are insisted on. For this reason the financial experience should be shown even in those industries which the public is willing to see run at a loss. Nor can real progress in the debate on this question be made by merely stating the facts, if they are stated too briefly. We need more studies in public ownership like E. E. Lincoln's *Results of Municipal Electric Lighting in Massachusetts*, and A. N. Holcombe's *Public Ownership of Telephones on the Continent of Europe*—studies of limited scope, in which every aspect of the case under study may be explored. It is interesting to note, by the way, that Mr. Thompson does not cite either of these studies or include them in his bibliography of ten pages. The Public Ownership League could do a greater service by promoting such intensive studies than by issuing general treatises and pamphlets on the subject.

Instances of lack of definitiveness in Mr. Thompson's study may be cited. He does in many instances establish the fact that the service of public enterprise is given at lower rates than that by private enterprise. But the financial results of the cheap service policy are not stated with sufficient completeness. The author disposes of the financial results of public telephones and telegraphs in one short paragraph (p. 148). The treatment of public elevators and mills is very brief (p. 191). He considers the Milwaukee and Omaha water plants great financial successes, but more data are needed if the reader is not to accept these statements merely on faith (pp. 212 and 216). The author claims for the Detroit Street Railway a net income of almost $1,000,000 above operating costs, maintenance charges (except depreciation), taxes, interest, and sinking fund provision (p. 230). This may be true, but the reader does not have enough data to reach his own conclusion. In the case of the Duluth Municipal Gas Plant (p. 255), he alleges that a depre-

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ciation reserve exists and states the figure but there is no way to tell whether it is adequate.

In his treatment of electric light and power plants, he is at great pains to show that the rates are higher for private than for public plants, but he gives no data to indicate whether or not losses were involved in some of these rates (pp. 280–286). In the case of one plant he does assert that an audit by a creditable firm showed a net income when the results were measured by accounting standards. The reviewer does not wish to infer that any facts are suppressed, or that the facts, if given, would not support the writer's statement that public enterprises are paying for themselves. The reviewer only states that the book would carry more weight if more data were given. This then is the chief weakness of the book—its lack of adequate analysis and presentation of the financial results which lie back of the rates, and its too great reliance on secondary sources.

Notwithstanding these defects, the book has performed a service. It reveals a fact too little recognized—the extensive growth of public ownership throughout the world. The individualist and opponent of public ownership will find little comfort in contemplating the extent of public business revealed. For one cannot read the book without being struck with the marked extension of government into business.

The book does more. It contains a comprehensive list of all the commercial undertakings of government. Two chapters are devoted to describing familiar forms of ownership such as roads, bridges, schools, forests and the like. Other chapters cover telegraphs, telephones, mines, banking, insurance, elevators, mills, printing, water works, street railways, gas plants, electric light and power plants, and many other forms of public enterprise. One chapter describes the Ontario hydro-electric development, another is given to the discussion of the advantages of public superpower. A final chapter is devoted to answering the popular and customary objections to public ownership. It is only fair to say, however, that the book is suited to a popular audience and contains much which the student of the subject already knows. For this reason parts of the treatment make no new contribution to the subject.

K. M. WILLIAMSON.

Wesleyan University.

The Suburban Trend. By HARLAN PAUL DOUGLASS. (New York: Century Company. 1925. Pp. xii, 340.)

Both for its extraordinary amount of information concerning the

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development of suburbs and for its revealing analysis of what they mean in our community life this book should find a wide reading. Its value will be appreciated not only by the student of civics but by every dweller in city or suburb who tries to be an intelligent citizen. Although included in a series of books on rural life—and mention should be made of its illuminating discussion of the effect of suburban development on agricultural methods—it is essentially a contribution to the rapidly growing science of regional planning, particularly so far as the social and economic aspects of such planning are concerned.

While the extent of the suburban trend and its relation to city congestion are shown by the presentation of much statistical data, the types of suburban development are discussed with a wealth of illustrative material drawn from all over the country and evidencing the author's wide and intimate familiarity with the communities mentioned. In fact, the average commuter who imagines from his own experience that all suburbs are much the same will be amazed at the variety of types he finds described.

It is when the mirror is held up to his daily life, however, that the suburbanite will most appreciate how penetratingly his individual and group psychology are understood by the author. The chapters on "suburban society and institutions" and "suburban social deficiencies" reach with clear perception and many a keen thrust to the very heart of the social relationships and community problems in suburban life.

Throughout the major part of his book, as he points out, Mr. Douglass deals with the suburb "in a mood of enquiry and exposition," as a describer and interpreter of phenomena. But in the latter part he turns earnestly to the espousal of a cause; he advocates urban decentralization along lines of sound scientific control. In a preceding chapter on "the cost of suburban living" he frankly faces the economic problem. And in his conclusions he sees that "only decentralization of industry makes suburban life generally possible for the poor." He is under no illusions as to the magnitude and difficulties of many of the steps which must be taken. But he sets forth some of the forces which are already at work and shows how rapidly we are devising new measures of social control which are applicable to the suburban trend. Although he mentions only briefly the successful English experience in the development of "garden cities," where the inhabitants plan and own their own community, built upon a firm basis of selected industries, Mr. Douglass' book can hardly fail to prepare his readers' minds for the understanding and acceptance of that fundamental idea. And it

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should similarly help to show dwellers in metropolitan districts the great advantages to be gained through regional plannng.

GRAHAM R. TAYLOR.

New York City.

Seventy Years of Life and Labor. By SAMUEL GOMPERS. (New York: E. P. Dutton and Company. 1925. Two volumes. Pp. xxxiv, 557; xxvii, 629.)

It was well that Mr. Gompers was persuaded during his last years to write his memoirs, for he has given us a more intimate picture of the ferment of American industrial life in the three decades prior to 1900 than is to be found elsewhere. The groping of American labor for a political and economic philosophy during the gloomy days of the seventies is mirrored in his own attempts during these formative years to chart his economic way of life. During this period he was an assiduous attendant at the meetings of the Socialists and the Anarchists and at one time even joined the Knights of Labor, against whom he was later to pit his strength. It was his fellow worker, Karl Laurell who gave him the principles which he had been seeking in his advice "Study your union card, Sam, and if the idea doesn't square with that, it ain't true." As Gompers writes, "My trade union card came to be my standard in all new problems," and he bent all his efforts from then on toward increasing the economic power of the trade-unions. With Adolph Straiser, a former Hungarian Socialist, he built up the strong International Cigarmakers Union out of a chaotic labor market. Although later in his life, Gompers came to have antipathy for the innovations of the British Labor movement, it seems indubitable that the principles of high assessments, liberal insurance benefits, and strict control of local strikes by the national body, which were largely responsible for the success of the cigarmakers, were indeed closely modelled upon these which the engineers of England had adopted twenty years earlier.

Gompers was then led to work for the organization of other trades and for their federation in a national body, both because of his sympathy for the cause of labor in general and because of the desire of the cigarmakers to protect themselves against the low wages of the rapidly increasing number of Chinese in the trade. For, if the cigarmakers were to secure a Chinese exclusion law, it was necessary for them to obtain the political support of other trades. Although as a Dutch Jew, he had himself been an immigrant, Gompers always retained this early belief in the necessity of protecting American labor by limiting or

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abolishing immigration. This policy accounts in part for the strong streak of nationalism which runs through the American as well as the Australian labor movement. Gompers became the leading figure in the Federation of Organized Trades and Labor Unions which was formed in 1881, and later President of the American Federation of Labor which grew out of this body in 1886. Then came the open clash with the Knights of Labor, a highly centralized organization controlled by the unskilled, which was seeking to absorb the numerically smaller craft unions of the skilled and to use the economic power of the latter to improve the condition of the less skilled. Gompers was successful in keeping the trade unions aloof from the Knights, and when the latter collapsed through its economic weakness, the A. F. of L. was left in undisputed possession of the field. The Gompers program of collective bargaining and trade agreements was then rapidly adopted with the great growth of unionism from 1898 to 1906.

With the second volume, Mr. Gompers becomes more pontifical and less revelatory. He had come to possess a finished system of thought and during the later years he refused to modify it. He fought Socialists, industrial unionists, and the "intellectuals" with an implacable hatred. The parallelism between the position of Gompers during these years and that of Henry Broadhurst in England during the late eighties and early nineties is indeed close.

All who wish to understand the working forces in American political and social life during the last half-century cannot afford to neglect this book. It is a moving chronicle of great events told by a forceful personality who helped to shape them.

PAUL H. DOUGLAS.

University of Chicago.

BRIEFER NOTICES

The School for Ambassadors and Other Essays (Putnam's, pp. 355), by J. J. Jusserand, former ambassador of France to the United States, is made up largely of writings on literary subjects. The essay, however, which gives the title to the book is a brilliant and suggestive account of the history of the ambassadorial function from the earliest times to the present. Written at about the time of his retirement it reads much as a valedictory by one who lived up to the standards set forth in the conclusions of the book. Drawing his material largely from the numerous treatises or manuals on the qualities and duties of ambassadors which

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have been written since the fifteenth century in Latin, French, Spanish and Italian, M. Jusserand comments on the qualifications and training which a minister should have, as well as his duties, and shows how the emphasis on the various qualities shifted with the passing of time and with the movement for open diplomacy. More and more emphasis came to be placed upon truth and probity and less upon the principles of Machiavelli. As early as 1737 Pecquet wrote in his *Discours sur l'Art de Négocier:* "The qualities of the heart in every profession, and especially that of the negotiator, are the most important. His success chiefly depends upon the confidence he inspires; sentiments of candor, truth and probity are indispensable to him." And to this M. Jusserand adds: "Most of the principles propounded by modest and now forgotten Pecquet have been justified by events. The most terrible revolutions, the most cruel wars mankind has ever seen, have, one after the other, proclaimed to the world as the moral of their tale of destruction and slaughter; Falsehood and Cruelty do not pay. . . . In the task of hastening better days, honest negotiators, busy with the task and not with the building of their own fortunes, obeying the most austere of the olden-day manuals will have an important part to play. . . . Experience has already shown and will more and more show that no invention, no telephone, no aeroplane, no wireless, will ever replace the knowledge of a country and the understanding of a people's dispositions. The importance of persuading a prince and his minister has diminished; that of understanding a nation has increased. . . . May future ambassadors never forget that, as old Dolet wrote centuries ago, their chief duty 'is to be rather the makers of peace and concord than of discord and of war.'" The author is also hopeful for the League of Nations with its permanent tribunal.

In 1924 Professor Philip Marshall Brown delivered a series of lectures at the Academy of the Hague. These have been published in a small book entitled *La Conciliation Internationale* (A. Pedone, Paris, pp. 95). The four chapters deal with the nature of national interests, the nature and functions of international law, the classification of different international questions and amicable methods of settling disputes between nations. The author's conclusions are briefly as follows: (1) The basis of amicable relations between nations and of international law is mutual respect and common consent. (2) The essential and vital interests of nations are generally moral and political. They are not

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strictly legal. Legitimate claims of nationalism most often give birth to serious conflicts. (3) The disputes of a legal character are, in general, of the least importance. They can be regulated by a court of justice, a tribunal of arbitration or by mixed commissions. (4) The most serious disputes should be regulated by means of conciliation. The normal methods of conciliation are diplomacy, conferences, commissions of inquiry and mediation. (5) An obligatory inquiry to establish points of fact is preferable to obligatory arbitration or obligatory conciliation. (6) One must insist, not on the idea of coercion, but on the idea of conciliation. International justice and peace depend upon the sympathetic understanding of peoples and their reciprocal courtesy, which demands deep study and a great deal of patience. What the world needs most is good will, generous sentiments and spontaneity of conciliation.

Three books dealing with the recent war are the *Outbreak of the World War: German Documents Collected by Karl Kautsky* and edited by Max Montegelas and Walter Schucking (Oxford University Press, American Branch, pp. 688); *The Case for the Central Powers* by Count Max Montegelas (Knopf, pp. 255); and *The Roots and Causes of the Wars* (George H. Doran Company, 2 volumes, pp. 1204) by John S. Ewart. Taken as a whole the latter two works give a clear and complete, nontechnical account of the causes of the World War from two somewhat different points of view. Count Montegelas' book is an attempt to relieve Germany of a great part of the responsibility for the World War. Among his seventeen conclusions appear the following: "The World War was not decided upon at Potsdam on the 5th of July, 1914: Germany merely assented to Austria's going to war with Serbia. . . . The possibility that the Austro-Serbian War, like others—the Boer, Moroccan, Tripolitan, and Balkan Wars—might lead to further complications, was well weighed, but the risk was thought very small, in view of the special provocation" (p. 201). "An understanding had almost been reached by the methods Germany had been the first to propose, namely, direct communicaton between Vienna and St. Petersburg, and limiting the military operations against Serbia when the Russian mobilization suddenly tore the threads asunder." Mr. Ewart's two volumes are packed full of useful data, extracts from speeches, official papers, etc., as well as comments by the author, and constitute an invaluable contribution to a highly controversial subject. In a brief conclusion he sums up in thirty-one points his arguments which may be further summarized as follows: (1) France because of Alsace-Lorraine was responsible for the

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western root of the war. (2) Responsibility for the eastern root—the Balkan situation must be shared in chief measure by the Great Powers (1878); secondarily, by Austria Hungary; and, thirdly, by the parties to the treaty of Bucarest (1913), to which must be added Germany's interest in the preservation of Austro-Hungarian integrity. (3) Responsibility for precipitation of hostilities must be attributed to Serbia, Austria and chiefly to Russia because of interruption of negotiations for a peaceful settlement (p. 1173). In many respects the conclusions reached by Mr. Ewart and Count Montegelas are not so far apart as would appear at first glance.

Bishop William Lawrence of Massachusetts has written as a classmate, close personal friend and a keen observer of public affairs, a life of *Henry Cabot Lodge* (Houghton Mifflin Company, pp. 204). In language that is clear and forcible and with an intimate knowledge of his subject, Bishop Lawrence narrates in detail the private life, public service, the principles, ideals and achievements of Senator Lodge. One naturally turns with greatest interest to the chapters dealing with the League of Nations. Due to the limitations of space, all that can be done is to set forth a few sentences from Bishop Lawrence's observations: "People speak as if his opposition to the Treaty of Peace and League of Nations was exceptional and due to personal hostility to President Wilson. Senator Lodge was always firm in his conception of the duty of the Senate to think out independently the questions before it, and so act." And to illustrate this point the author shows how Senator Lodge forced amendments in certain treaties favored by Roosevelt and John Hay; how he opposed President Roosevelt's plan for the fortification of the Panama Canal and later, under changed conditions, supported President Wilson's plan. "As an historian and statesman he distrusted any national or international action, however well intended, which leaped so far beyond the traditions and development of each nation as to endanger its permanence and create a disastrous reaction. He believed that national and international action must be built up from the people, their traditions and their intelligent assent, and not imposed from above. The world is full of the wrecks of noble ideals, pressed into action by leaders who had not the patience and faith to educate the world toward them." The author then shows how Senator Lodge obtained the names of the "necessary two-thirds, Democrats and Republicans, who were ready to vote for the Covenant with the reservations" and then concludes: that if the Democratic Senators "strong, conscientious, loyal

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Americans" had been allowed to vote according to their judgment "the United States might have been sitting today in the League of Nations. Failure to enter the League was not due to the Senate, nor to its leader, Senator Lodge."

When Edward Everett died in 1865, after a long and brilliant public career, he left behind a diary and numerous private papers and letters which his son planned to use in writing a biography of his illustrious father. But the son, William Everett, postponed this task until it was finally given up entirely. Now, after a lapse of sixty years, Paul Revere Frothingham, using this same material, has written a complete and illuminating life under the title *Edward Everett: Orator and Statesman* (Houghton Mifflin Company, pp. 495). The book describes in a most readable and scholarly fashion the chief events in the life of Everett, such as his term as professor of Greek at Harvard University, his service as a member of Congress, as Governor of Massachusetts, minister to England, president of Harvard, Secretary of State, United States Senator, the part he played during the troublesome period of the Civil War and his famous orations. Mr. Frothingham has given us not only the first and definitive biography of a famous American orator and statesman, but also a vivid picture of American history and society during the first half of the nineteenth century. Students of government will find that this book throws much light on the politics, diplomacy and public life of that period.

G. P. Putnam's Sons have published a short biography of *Seth Low* (pp. xix, 92) by Benjamin R. C. Low. The author tells briefly of Low's career, that of a successful business man who became coalition mayor of Brooklyn, president of Columbia University, delegate to the first Hague Conference in 1899, mayor of Greater New York, a leader in reform movements aiming at better government, and, at the very end of his life, a delegate at large to the New York Constitutional Convention acting as chairman of the committee on cities, "and in that capacity grappling with the most refractory question of all: that involving the home rule of cities and the determination of reciprocal jurisdiction." It is unfortunate that the brevity of the book has forced the author to compress into small space the activities of this leader in the reform of municipal government, giving only the barest facts concerning his dramatic fight for better government.

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Executive Influence in Determining Military Policy in the United States, by Howard White, (University of Illinois Studies in the Social Sciences, Vol. XII, Nos. 1 and 2, pp. 292) is a useful contribution to the study of American national government. Prior to the recent National Defense Act (establishing three lines of defense: regulars, national guard, and organized reserves) our military policy was characterized by the absence of any foresight. Yet major emergencies have been recurrent, Indian warfare continual. Professor White appraises the influence of the executive in formulating military legislation. Presidential advisers, from Hamilton and Knox to Garrison and Baker, have tended to favor an increase in federal control over military man-power, under the constitutional provision "to raise and support Armies." Congress has evinced a predilection for relying upon the militia as adequate "for the security of a free State." Executive influence is cyclical. In peace, Congress is rather deaf to recommendations in military matters. When war impends, projects for defense receive more attention. Once the nation is committed to war, the force of circumstances exalts to a maximum the influence of the commander in chief. Peace brings retrenchment, legislative investigation, and a reassertion of congressional independence. But politics and the personalities of presidents, secretaries, and legislators make generalizations hazardous. Though the general staff works toward continuity of policy, its progress is contingent upon the accord of the people's representatives.

National Government and Business by Rinehart J. Swenson (Century, pp. xxxviii, 475) is an exhaustive work describing first the national administrative agencies which aid business such as the coast and geodetic survey, the lighthouse service, the coast guard, the bureau of foreign and domestic commerce, the bureau of standards, the post office, and so on. Next the author discusses the tariff in relation to business. Part II is devoted to the constitutional position of property in the United States, and deals with such constitutional questions as "due process of law," "eminent domain" and state acts impairing the obligation of contracts. Part III treats the administration of currency and banking; Part IV covers the law of public service, with particular reference to the regulation of public service enterprises and monopoly. Parts V and VI are devoted to the regulation of commerce and combinations in restraint of trade respectively, with emphasis on such topics as national and state powers in the regulation of commerce, the enforcement of the anti-trust laws, and national regulation of packers, stock-

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yards and boards of trade. Pertinent judicial decisions are cited, the table of such cases covering fifteen pages of small type. Altogether the work is a most helpful handbook for students of American government and constitutional law.

Anyone in search for good grounds for optimism about the labor problem in the United States would have to look far before finding as interesting and stimulating a book as Robert S. Brookings' *Industrial Ownership, its Economic and Social Significance* (Macmillan, pp. 107). The wide distribution of industrial ownership among relatively small stockholders has now put managers in the position of trustees for the owners, the laborers, and the public. The author optimistically believes that the concentration of corporate control is no menace, but an important step toward the solution of the Capital-Labor problem. He finds further grounds for hope in the statistical demonstration that profits are no higher in lines of trade employing many wage-earners than in those employing few.

Two important additions to the useful research publications of the National Industrial Conference Board are studies in *Trade Associations* (p. 388) and *The Cost of Living in the United States* (p. 201). The former is announced as the first of a series presenting the results of investigations of anti-trust legislation and its effect on business. It deals with the economic significance and legal status of trade organizations, and includes a chapter on representation of business interests in public affairs.

Wages and Profit-Sharing, with a chapter on Indian Conditions (University of Calcutta Press, pp. 422, 1924), by Professor R. N. Gilchrist, formerly labor intelligence officer of the government of Bengal, is a study of the various methods of industrial remuneration, and particularly of the systems of profit-sharing and labor co-partnership as they are found in the different countries where they have been introduced.

A volume on the *Federal Reserve System in Operation* (p. 349), by E. A. Goldenweiser, has been published by the McGraw-Hill Book Company. It is intended as an introduction for college classes and for business and professional men.

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The Metropolitan Life Insurance Company has issued an account of its activities during its life of thirty-three years, under the title *An Epoch in Life Insurance* (p. 306).

The Growth of the United States by Ralph V. Harlow (Henry Holt and Company, pp. xv, 862) is a text-book written for the purpose of arousing the interest and enthusiasm of undergraduates. This aim is accomplished in admirable fashion and without distortion of facts or unfairness in interpretations. The central theme running through the entire book is illustrated by the following paragraph appearing on the first page of the beginning chapter: "American history consists then in the introduction of European civilization into an entirely new environment, and in the gradual growth, under pressure of the surroundings, of a different set of institutions, social and political, in fact, of a different culture. In the various processes of the growth are to be found the keys to American history. To any one even casually concerned in the interplay of human emotions and social conditions, the story is full of intense interest." About one-third of the book is devoted to events since the Civil War.

Teachers who have used Professor William Bennett Munro's earlier work on American Government will be interested in the revised edition of *The Government of the United States, National, State and Local* (Macmillan Company, pp. x, 687). In the experience of many it was a very popular text. It had the quality of being readable, a quality retained in the revision. Students are quick to discover readability in a field where it is so often not emphasized. In addition to rewriting the former chapters and bringing them to date, Professor Munro has introduced certain additional chapters, notably one on "The Citizen and His Privileges," and one on "The Nation's Expenditures." As in the earlier volume the chapters on municipal government are exceptionally well done. R. M. S.

Our Governmental Machine (Alfred A. Knopf, pp. xiv, 223) by Schuyler C. Wallace aims to present to the reader in simple language a picture of the fundamental processes of our governmental machinery rather than its detailed structure. The book commences with an interesting section devoted to public opinion, the long ballot, political parties, and in the remaining portion especial stress is given to some of the chief problems of the present day such as the growth of national power with particular

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reference to federal subsidies, proportional representation, revamping of state administration, municipal home rule, and recruiting for government service. Though Mr. Wallace's book is particularly intended for beginners in the study of politics the reviewer agrees with Dr. Charles A. Beard's statement in the introduction "that even the most seasoned veterans in book reading and political caucusing will find something to their advantage in these pages."

The Voting Machine (pp. 80), by T. David Zukerman, is a report prepared for the Political Research Bureau of the Republican County Committee of New York. After explaining the history and extent of use of voting machines and presenting numerous facts, figures and expressions of opinions from persons who have used them, Mr. Zukerman sums up their advantages as follows: (1) secrecy of the ballot; (2) absence of void and defective ballots; (3) speed of operation and tally; (4) accuracy and conclusiveness of the count; (5) reduction in expense of conducting elections. Cases are cited as to the constitutionality of voting machines in various states and the objections raised by opponents are answered. The author is of the opinion that the "theoretical" attitude of political scientists is one of the obstacles to the extension of mechanical means for casting and counting ballots.

The Machine Abolished (G. P. Putnam's Sons, pp. xxvi, 196), was first published by its author, C. C. P. Clark, M. D., in 1900 as an attack on partisanship in politics. Its reissue marks a quarter century in which the author thinks the spirit of faction has not declined. His formula for its abolition lies in the Soviet model of reducing the direct participation of the people in government to the choice of delegates to the lowest of an ascending hierarchy of assemblies, by which the rule of the most capable is to be insured.

At the time of the death of Frank I. Cobb of the New York World in 1923, Woodrow Wilson wrote by way of tribute: "I consider his death an irreparable loss to journalism and to the liberal political policies which are necessary to liberate mankind from the errors of the past and the partisan selfishness of the future." Cobb's most important editorial articles and public addresses have been compiled by John L. Heaton in a substantial volume of over four hundred pages under the title *Cobb of "The World": A Leader in Liberalism*, (E. P. Dutton & Company, pp. xxvii, 397).

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The National Municipal League has made an auspicious beginning of its Monograph Series by the publication of A. E. Buck's *Municipal Budgets and Budget Making* (pp. 77). The book is intended to be of help to city officials charged with the duty of making budgets, and to set forth for them and for citizens and students in general the principles of a sound budget system. The topics covered are the budget-making organization, character and classification of budget information, the budget estimate forms, preparation and revision of budget estimates, the form and contents of the budget, appropriation, borrowing and revenue measures, legislative action on the budget, and administration of the budget plan. The book maintains the same high standard already set by Mr. Buck in his earlier and more comprehensive treatise on *Budget Making*.

So far as the reviewer's limited experience goes it is impossible to find a more adequate brief treatment of the "doctrine of qualified privilege" than is contained in Samuel Arthur Dawson's *Freedom of the Press: A Study of the Legal Doctrine of "Qualified Privilege"* (Columbia University Press, pp. 120). After defining qualified privilege as "the right of the citizens of a liberal government to publish, without malice, fair and true reports of judicial, legislative or other public and official proceedings," and explaining the meaning of libel, the author traces the history of the struggle for the freedom of the press in reporting legislative and judicial proceedings in England and America. The next two chapters deal with "Judicial Interpretation of the Libel Laws" and "The Present Status of Qualified Privilege" in England and this country. The last chapter discusses "Qualified Privileges A Requisite of Democracy."

The Selection of Jurors (pp. 107) by Clarence N. Callender is a comparative study of the methods of selection and the personnel of juries in Philadelphia, New York City, London, Chicago, Pittsburgh, Boston, Baltimore and St. Louis. Mr. Callender is of the opinion that of the cities covered by his survey New York has the best system of choosing jurors. In conclusion he recommends a system under which not more than three persons, and preferably only one, appointed by the judges should constitute the selecting body; improved methods of obtaining complete information regarding the character, occupation, education, interests and views of prospective jurors; records of jurors based upon

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previous jury service; the accommodation of jurors as respects the most convenient time of service; the maintenance of selected lists of competent jurors for service in difficult cases; and provision for handling the excuses of persons called for jury service outside the court. It is the opinion of the author that such changes would greatly improve the operation of the jury system as found in most large cities. The study was written as a thesis for the degree of doctor of philosophy at the University of Pennsylvania.

The children's bureau of the United States department of labor has published an important report on *Juvenile Courts at Work* (p. 323), by Katherine F. Lenroot and Emma O. Lundberg. This is an intensive study of the organization and methods of ten of the more important courts of this kind in the United States.

Legal and Political Questions Between Nations by Thomas Willing Balch (Allen, Lane & Scott, Philadelphia, pp. x, 147) maintains that disputes between nations may be divided into two great divisions; legal questions and political questions. Legal questions do not involve the political power in the world of opposing states; political questions do involve the power or future existence of contesting nations. The former class of cases can be decided by international courts, the latter class can only be settled by trial by battle. A review is given of many international disputes, the legal ones having been solved by judicial settlements, but the political ones by war.

Greater France in Africa, by William Milligan Sloane. (Scribners pp. 284), in spite of the comprehensiveness of its title, deals only with Algeria and Morocco. It was written as the result of a motor trip through Algeria and Morocco by the author and eight other Americans as guests of the Committee France-America. The author has told his travel story on the background of much sociological material. He deals with history, race problems, religious and political problems, art, architecture, and other subjects pertinent to an understanding of the country. This material is useful. But confined to the limits of a travel book it is necessarily sketchy. And somehow, in combining first-hand and second-hand material, the author has missed vividness and charm of presentation. The book leans too far toward admiration at the expense of critical appraisal. The style, as well as the subject matter is capable

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of improvement. It is inadequate as a study of institutions and not very interesting as a book of travel.[1]

The Turco-Egyptian Question in the Relations of England, France and Russia, 1832–1841, by Frederick Stanley Rodkey, (University of Illinois Studies in the Social Sciences, Vol. XI, nos. 3 and 4, pp. 274) is an interesting and convenient study of a complex question, compiled from the numerous printed materials which exist in English, French and German. To this he has added, in footnotes and appendices, such information and opinions as were to be found in the archives of our department of state. This latter source, although affording some comments on the questions at issue by disinterested observers, can hardly be said to provide anything authoritative. Porter's comments on the French trade with Egypt (p. 242) are worthy of note. The omission of important Russian authorities precludes the possibility of treating the question "in its entirety." One misses the name of Tatishchev. In a work which rests so largely upon printed materials, it is doubtful whether such extensive quotation and "documentation" is necessary.

A third revised edition of J. A. R. Marriott's standard work on *The Eastern Question, an Historical Study in European Diplomacy.* (Oxford University Press, pp. 564) has been published. Mr. Marriott has added a second epilogue, containing a brief summary of events between 1917 and the signature of the Treaty of Lausanne in 1923. The four years' delay in making peace with the Turk the author believes was an incalculable misfortune. Had a treaty been concluded in 1919 the Turk would have been compelled to retire to Asia. While the delay was due in part to interallied jealousy, it was also due to the hope of Europe that America would finally act as the principal liquidator of the Ottoman Empire. If it had not been for the Bolshevist Revolution, Russia would have realized her historic dream of occupying Constantinople. As it is, the Eastern question is by no means solved. The author feels, however, that even if European diplomacy has failed at this task, the nationalist movement in Turkey, by cutting itself away from an enervated Constantinople, may succeed in reinvigorating a decaying nation.

Two books dealing with Asiatic politics are *Sidelights on the Crisis in India* by H. Harcourt (Longmans, Green and Company, pp. xi, 118)

[1] By Constante Southworth, Brookings School, Washington, D. C.

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and *The Challenge of Asia* by Stanley Rice (Scribner's, pp. 256). The former book is made up of letters exchanged between the author and an Indian civilian and contains three sections that are of particular interest, namely: the administration of law in British India, letters on Mahatma Gandhi, and government and liberty in India. Mr. Rice's opinion is that the challenge of Asia is not to be viewed so much from the economic aspect of the trade union or from the statistical aspect of the eugenist, but rather that it comes from the future rivalry of an Asia which will "copy Europe and accomplish the mastery by peaceful penetration," not by "an overwhelming Asiatic flood" of immigration.

E. Alexander Powell's *The Struggle for Power in Moslem Asia*, (Century Co., pp. 389) is a popular account, written by the well-known traveller-publicist, of present-day political and economic conditions in Western Asia, including Turkey, Syria, Palestine, Arabia, Mesopotamia, and Persia. He does not believe that the mandatory form of government, at least in the Near East, will prove successful. It is not a possession or a protectorate, but merely a political abstraction. Unless the French grant the Syrians a greater measure of autonomy, he does not believe that French rule in Syria can long endure.

One of the latest booklets in The World's Manuals Series, published by the Oxford University Press, is *Europe Overseas* by James A. Williamson (pp. 144). Anyone desiring a brief and readable account will find here an accurate and unbiased story of the expansion of Europe. Ending his book with a few questions—Is European expansion on the eve of a new period in its development? Is the European hold upon certain regions imperiled? Is European power on the wane in Asia? Are the Africans to remain forever a subject race? and Are the Americans destined to become the centre of the European world?—the author concludes that these and other unanswered questions show that "the expansion of Europe is not a finished process, like some other historical themes."

In his book on *Studies in Mid-Victorian Imperialism* by C. A. Bodelsen (Knopf, pp. 228) the author uses the term imperialism in one sense only, "denoting that specifically British movement which aims at preserving and consolidating the unity of the British empire." The economic background of British imperialism is lightly touched on, the central theme of the book being the change in English public opinion on the

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relation between England and the colonies from the middle of the century till the end of the "eighties." The author finds that the years 1868 to 1870 are critical in the change from the separatist tendencies of the Manchester group so influential in the middle of the century to the "Greater Britain" of Dilke, Seeley and Froude. The book is a well-written presentation of most of the important personalities and opinions in nineteenth century British imperialism.

Louis Aubert's *The Reconstruction of Europe, Its Economic and Political Conditions: Their Relative Importance* (Yale University Press, pp. 167) is made up of lectures delivered by the author at the Institute of Politics at Williamstown. The thesis of this work is the primary importance of political considerations in all programmes of reconstruction—the French view, as against the Anglo-American emphasis upon economic necessities. The criticism of the more material economic views is focused upon Mr. Keynes. While it is excellent to ensure that the political factor is not neglected, yet M. Aubert himself tends to overemphasize it and there is no real comparison with the merits of other views.

Among the recent books on the political and economic problems arising out of the World War are *Reconstruction* by J. D. Whelpley, (Funk and Wagnalls Company, pp. 383) and *The Road to World Peace* by Oscar Newfang (Putnam's, pp. 372). Mr. Whelpley's volume is an appraisal of the economic and political conditions, especially the former, of the countries most affected by the World War and brings matters down to January 1925. Mr. Newfang proposes the improvement of the League of Nations by its gradual development into a world government modelled after the federal system of the United States with a bicameral legislature, a central executive consisting of seven members "elected by direct vote of the people of the earth," and a series of courts culminating in a supreme court.

A useful *Syllabus on International Relations* (p. 276), by Parker T. Moon, has been published by Macmillan for the Institute of International Education.

When England entered the war in 1914 three members of the British Cabinet resigned—John Morley, John Burns and Charles Trevelyan. One of these men, Trevelyan, joined with Ramsay MacDonald, E. D.

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Morel and Norman Angell to form the Union of Democratic Control which has now for its purpose the democratic control of foreign policy. Miss Helena M. Swanwick has written the ten years' history of the organization under the title *Builders of Peace* (Swarthmore Press, London, pp. 191).

Purpose the Variant of Theory, by Julius Temple House (University of Chicago Press, pp. viii, 80) is a study of Hobbes, Locke, Hume, and J. S. Mill, to show that the distinctive elements of their systems of thought grew out of and were determined by their respective personal and social backgrounds and the political conditions of the times in which they lived.

English Church Reform 1815–1840 (Longmans, Green and Company, pp. x, 180) by William Law Mathieson is a study of the ecclesiastical side of the reform movement which took place in England during the first part of the nineteenth century. The book deals with the problems which the Church of England had to face as a result of the growth of population in England and in the manufacturing districts, of the grievance against the Church, the attitude of the clergy and bishops in regard to parliamentary and social reform, the appointment of the Ecclesiastical Commission and the Acts of Parliament in regard to the Church.

Louis W. Moffit's *England on the Eve of the Industrial Revolution* (P. S. King and Son, pp. xxi, 312) is a study of economic and social conditions, roughly from 1740–1760, based chiefly upon Lancashire. It is not novel but is useful, elementary and compact.

Messrs. G. P. Putnam's Sons have published a revised edition of David Duncan Wallace's *The Government of England, National, Local, Imperial* (pp. ix, 391). The body of the book has been brought down to date and several new chapters have been added on such subjects as "The Irish Free State and Northern Ireland," "India," etc. Resemblances and contrasts between the government of England and the United States are emphasized and the material is arranged in such a way as to make it a useful handbook for the general reader as well as for the student of government.

Among the reprints of standard works which have already proved their merit are *The Making of the English Constitution, 449–1485* by

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Albert Beebe White (Putnam's, pp. 410) and *The Underlying Principles of Modern Legislation* by Jethro Brown (Dutton, pp. 319) an able and brilliant book which has gone through six editions. Alfred E. Zimmern has also brought out a third revised edition of *The Greek Commonwealth* (Oxford University Press, pp. 461). This invaluable and scholarly work has been made more useful by changes and additions relating chiefly to the new literature on the subject and to later applications of conclusions or tendencies referred to in the original text. The map of Attica has also been corrected in the light of certain new information furnished the author by Mr. Shirley C. Atchley of the British legation at Athens.

Two Ordeals of Democracy by John Buchan (Houghton Mifflin Company, pp. vi, 56) is an address delivered by the well-known English writer at Milton Academy, Massachusetts, in 1924. While its central theme is to show how American democracy met the test of the Civil War and the World War, the address deals in the main with the former war and is really a tribute to Abraham Lincoln and General Lee.

Anna Schoellkopf has written an interesting biography of *Don José de San Martin, 1778–1850* (Boni and Liveright, pp. 142). Mr. Honorio Pueyrredon, the Argentine ambassador to the United States, has written a brief preface to the book. The author narrates in a dramatic and vivid fashion the part which General de San Martin played in the liberation of the Spanish-American colonies, his break with Bolivar, the renunciation of his command in Peru, and his long and sad exile abroad. While extremely sympathetic toward San Martin, the author is not bitter in her treatment of Bolivar.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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Abbott, Edith. Historical aspects of the immigration problem. Univ. of Chicago Press.

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Bennett, Jesse Lee. The essential American tradition. Doran.

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